

Washington, Wednesday, October 13, 1913

The President

PROCLAMATION 2596

AMENDMENT TO REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted and submitted to me for approval the following amendment of the regulations approved by Proclamation No. 2345 of August 11, 1939, as last amended by Proclamation No. 2589 of July 16, 1943, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, ship-ment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE ACTING SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), I, Abe Fortas, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits. and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United

Mexican States for the protection of migratory birds and game mammals, con-cluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as last amended by Proclamation No. 2589 of July 16, 1943, and as so amended do hereby adopt such regulations as suitable regulations, permitting and governing the hunting, taking, capture, killing, posses-sion, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

The subtitle "Mourning or turtle dove" of Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

Mourning or turtle dove.—The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina, December 1 to January 11.

Arizona, California, Colorado, Kansas, Nevada, New Mexico, and Oklahoma, September 1 to October 12.

Arkansas, Delaware, Kentucky, Tennessee, and Virginia, September 16 to October 27.

Idaho, September 1 to September 10. Illinois, and Missouri, September 1 to September 30.

Maryland, September 16 to October

Minnesota, September 16 to September

North Carolina, November 25 to January 5.

Oregon, September 1 to September 15. Texas, in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Bell, Falls, McLennan, Hill, Navarro, Kaufman, Hunt, Hopkins, Delta, and Lamar Counties, and all counties north and

(Continued on next page)

CONTENTS

THE PRESIDENT	
-PROCLAMATION:	Page
Amendment to regulations re- lating to migratory birds_	13965
REGULATIONS AND NOTICE	
ALIEN PROPERTY CUSTODIAN:	
Divesting orders:	
Dewey and Almy Chemical	10000
Co • Goldman, Bronislaw	13992
Hawkinson, Paul E., Co	12001
Kroll, William	13991
Kroll, William Remington Rand, Inc	13991
Vesting orders:	
Ambi Dudd Theorems	
Amor-Budd Fresswerk, G. m. b. H. Audy, Joseph, et al. Boehme Fettchemie, G. m. b. H. F. J. Du Pont de Nemours &	13937
Audy, Joseph, et al	13938
Boehme Fettchemie, G. m.	
b. H	13989
Co. and I. G. Farbenin-	
dustrie A. G. L. G. Farbenindustrie A. G. (2	13990
1. G. Farbanindustrie A. G. (2	
documents) 13987, Longepierre, Henri, and Mau-	13989
rice Joan Con	10000
N. V. Neckar Waterreiniger Maatschappij, et al Siemens & Halske A. G., et al_	19930
Maatschannii et al	12022
Siemens & Halske A. G., et al	18987
FEDERAL COMMUNICATIONS COM-	2000.
MISSION:	
Stuart, Charles Edward, inves-	
tigation of application	13986
Interstate Commerce Commission:	
Icing restrictions vacated:	
Fruits and vegetables from	
Western States	13936
Pototocs in Coloreda and	13936
western States Potatoes, western Potatoes in Colorado and Utah Potatoes in refrigerator com	19096
Utah Potatoes in refrigerator cars (2 documents)	19900
(2 documents)	12925
OFFICE OF DEFENSE TRANSPORTATION:	70000
Wenatchee-Seattle Transport	
Co., et al., coordinated op-	-
erations	13993
OFFICE OF PRICE ADMINISTRATION:	
Adjustment, Wilbur-Suchard	
Chocolate Co., Inc	13983
Alfalfa hay products (RMPR	_5555
456)	13975
(Continued on next page)	
tangement of the Mean Princip	

13965

¹⁴ F.R.:3621.

²⁸ F.R. 9897.



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.
The regulatory material appearing herein is keyed to the Code of Federal Regulations,

which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as

amended June 19, 1937.

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tion of material appearing in the FEDERAL

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CONTRAITE Continued

_ CONTENTS—Continued	
OFFICE OF PRICE ADMINISTRATION-	_
Continued.	Page
Citrus fruits (MPR 292, Am.	•
5)	13974
Coal transportation (Rev. Com-	
pensatory Adjustment Reg.	,
Cotton goods, fine (MPR 11,	13980
Cotton goods, fine (WPR 11,	12074
Am. 10) Die castings (MPR 377, Am. 1) _	13982
Ice boxes, new (MFR 399, Am. 4) Luggage (MPR 476)	10001
4)	13982
Luggage (MPR 476)	13977
Meat, fats, fish and cheeses (RO)	
16, Am. 71)	13980
16, Am. 71) Processed foods (RO 13, Am. 71) _	13980
Regional and district office	
orders:	40005
Lettuce, Dallas, Tex., district_	13995
•Solid fuels:	12005
Boston, Mass., region Lynn-Salem, Mass., area	13993
PETROLEUM ADMINISTRATION FOR	,
WAR:	
Foreign petroleum operations (Directive 70)	
(Directive 70)	13983
SOLID FUELS ADMINISTRATION FOR	
WAR:	
Poultry brooders and hatcheries,	`
preferred deliveries of an-	10070
thracite TREASURY DEPARTMENT:	13973
Western National Indemnity	
Co., change of name	13974
VETERANS' ADMINISTRATION:	
Hospital treatment for certain	
veterans	13985
WAR DEPARTMENT:	**
Women's Army Corps, enlist- ment in by members of	
ment in by members of	40000
WAACWAR FOOD ADMINISTRATION:	13973
Concord grapes (FDO 80, Am.	
	13970
1)	13970
Farm machinery and equipment	_00.0
(FPO 14, Supp. Order 1)	13966
, ==	

CONTENTS—Continued

WAR FOOD ADMINISTRATION-Con.	Page
Fats and oils (FDO 42, Am. 2)	13970
Malted grain, malt syrup, and	
rice (FDO 66, Am. 1)	
(Corr.)	13970
Milk and cream:	
Eastern New England area	
(FDO 79-43)	13967
Fall River - New Bedford -	
Taunton, Mass., area	
(FDO 79-42)	13966
Springfield-Holyoke, Mass.,	
area (FDO 79-44)	13968
WAR PRODUCTION BOARD:	
Approval of orders:	•
Foreign petroleum operations	
(Certificate 150)	
War Emergency Tankers, Inc.	
(Certificate 151)	13995
Stop construction orders re-	~
voked:	
Anheuser-Busch, Inc.	13996
Athol-Orange, Mass., airport	40000
development project	13336

west thereof, September 1 to October 12; in remainder of State October 20 to November 30.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 7th day of October, 1943.

ESEAL] ABE FORTAS, Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing amendment will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of October, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixtyeighth.

Franklin D Roosevelt

By the President:

CORDELL HULL, Secretary of State.

[F. R. Doc. 43-16618; Filed, October 12, 1943; 9:13 a. m.]

Regulations

TITLE 7-AGRICULTURE

Chapter X-War Food Administration (Production Orders)

[FPO 14, Supp. Order 1, Correction] PART 1202-FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Item VII in Exhibit B to Food Production Order No. 14, Supplementary Order No. 1, appearing on page 13223 of the September 29, 1943, issue of the Federal Register (F.R. Doc. 43-15710) should read:

VII. Report of manufacturer's distribution plan by States: (Total for States should equal figure in V) __ ___

Issued this 11th day of October 1943. ASHLEY SELLERS,

Assistant War Food Administrator.

[F. R. Doc. 43-16646; Filed, October 12, 1943; 11:30 a. m.]

Chapter XI-War Food Administration (Distribution Orders)

[FDO 79-42]

PART 1401-DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN FALL RIVER-NEW BED-FORD-TAUNTON, MASS., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.73 Quota restrictions—(a) Deflnitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term FDO 79 means Food Distribution Order No. 79, issued on Sep-

tember 7, 1943, as amended.
(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) Milk sales area. The following area is hereby designated as a "milk sales area" to be known as the Fall River-New Bedford-Taunton, Massachusetts, sales area, and is referred to hereinafter as the "sales area":

The territory included within the boundaries of the following cities and towns in Massachusetts:

Acushnet, Berkley, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bed-ford, Norton, Raynham, Rehoboth, Somerset, Swansea, Taunton, and Westport

And the following cities and towns in Rhode Island:

Little Compton, and Tiverton.

(c) Base period. The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) Quota period. The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively is hereby designated as a quota period for the sales area.

(e) Handler quotas. Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period:

(2) Multiply the result of the foregoing calculation by the number of days

in the quota period:

(3) Multiply the aforesaid resulting amount by the following applicable percentage; (i) Milk: 100 percent; (ii) Butterfat in milk: _____ percent; (iii) Cream: 75 percent; (iv) Butterfat in cream: 75 percent; (v) Milk byproducts other than cottage, pot or baker's cheese: 75 percent; and (vi) Cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this or-der, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) Quota limitations. No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: Provided, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) Quotas for handlers who are also producers. Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

- (h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or bakers' cheese.
- (i) Quota exclusions and exemptions. Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) toplants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.
- (j) Transfers and apportionment of quotas. The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler.

Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) Petition for relief from hardships. (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts

stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or

reversed by the Director.

(1) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

- (1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas:
- (2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.
(m) Records. Handlers shall keep

and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) Distribution schedules. The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(0) Expense of administration. Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.015 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) Violations. The market agent shall report all violations to the Director together with the information required

for the prosecution of such violations. except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) Bureau of the Budget approval. The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., October 17, 1943.

Issued this 11th day of October 1943.

C. W. KITCHEN, Acting Director of Food Distribution.

, [F. R. Doc. 43-16600; Filed, October 11, 1943; 12:00 m.]

[FDO 79-43]

PART 1401-DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK ANT CREAM IN EASTERN NEW ENG-LAND LIETROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.74 Quota restrictions—(a) Definitions. When used in this order. unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term FDO 79 means Food Distribution Order No. 79, issued on Sep-

tember 7, 1943, as amended.
(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk hyproducts, or cream for delivery.

(b) Milk sales area. The following area is hereby designated as a "milk sales area" to be known as the Eastern New England, Metropolitan sales area, and is referred to hereinafter as the "sales

area":

In Bristol County, Massachusetts, the towns and cities of:

Attleboro, Easton, Mansfield, N. Attleboro. Scekonk.

In Middlesox County, Massachusetts, the towns and cities of:

Arlington, Achland, Bedford, Balmont, Billerica, Burlington, Cambridge, Chelmsford, Ictics, Burington, Cambridge, Chemisload, Concord, Dracut, Everett, Framingham, Holliston, Hopkinton, Hudson, Izxington, Lincoln, Lowell, Malden, Marlboro, Maynard, McGlord, Melrose, Natick, Newton, N. Reading, McGlord, Melrose, Natick, Newton, N. Stanbard, McGlord, McGlo Reading, Sherbarn, Somerville, Stoneham, Sunbury, Tewksbury, Tyngsbaro, Wakefield,

Waltham, Watertown, Wayland, Weston, Wilmington, Winchester, and Woburn.

In Plymouth County, Massachusetts, the towns and cities of:

Abington, Bridgewater, Brockton, E. Bridgewater, Hanover, Hanson, Norwell, Rockland, Scituate, W. Bridgewater, and Whitman. In Worcester County, Massachusetts, the

towns and cities of:

Auburn, Berlin, Blackstone, Boylston, Clinton, Grafton, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, Millville, Northboro, Paxton, Shrewsbury, Southboro, Spencer, Upton, Uxbridge, Westboro, W. Boylston, and Worcester.

In Rhode Island the towns and cities of: Barrington, Bristol, Central Falls, Cranston, Cumberland, E. Greenwich, E. Providence, Jamestown, Johnston, Lincoln, Middletown, Newport, No. Providence, No. Smithfield, Pawtucket, Portsmouth, Providence, Smithfield, Warren, Warwick, W. Warwick, and Woon-

All of the towns and cities in the counties of Essex, Norfolk, and Suffolk, Massachusetts.

(c) Base period. The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) Quota period. The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) Handler quotas. Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below, and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days

in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) Butterfat in milk: _____ percent; (iii) Cream: 75 percent; (iv) Butterfat in cream: 75 percent; (v) Milk byproducts other than cottage, pot or baker's cheese: 75 percent; and (vi) Cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) Quota limitations. No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) Quotas for handlers who are also producers. Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) Quota exclusions and exemptions. Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) Transfers and apportionment of quotas. The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) Petition for relief from hardships. (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified,

or reversed by the Director.
(1) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers'

quotas;
(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) Distribution schedules. The distribution schedules, if any, to be followed by the handlers in making 'deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) Expense of administration. Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) Bureau of the Budget approval. The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., October 17, 1943.

Issued this 11th day of October 1943.

C. W. KITCHEN, Acting Director of Food Distribution.

[F. R. Doc. 43-16599; Filed, October 11, 1943; 12:00 m.1

[FDO 79-44]

PART 1401-DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM IN SPRINGFIELD-HOL-YOKE, MASS., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

- § 1401.78 Quota restrictions—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent
- (1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.
- (2) The term FDO 79 means Food Distribution Order No. 79, issued on September 7, 1943, as amended.
- (3) The term "sub-handler" means any handler, such as peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.
- (b) Milk sales area. The following area is hereby designated as a "milk sales area" to be known as the Springfield-Holyoke, Massachusetts, sales area, and is referred to hereinafter as the "sales area":

The territory included within the boundaries of the following cities and towns in Massachusetts:

Amherst, Agawam, Chicopee, Easthampton, East Longmeadow, Granby, Hadley, Hatfield, Holyoke, Longmeadow, Ludlow, Northampton, Palmer, South Hadley, Southampton, Springfield, Ware, Westfield, West Spring-field, and Wilbraham, and in Enfield, Con-

- (c) Base period. The calendar month of June 1943 is hereby designated as the base period for the sales area-
- (d) Quota period. The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.
- (e) Handler quotas. Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:
- (1) Divide the total deliveries of each item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;
- (2) Multiply the result of the foregoing calculation by the number of days in the quota period;
- (3) Multiply the aforesaid resulting amount by the following applicable percentage; (i) Milk: 100 percent; (ii) Butterfat in milk: _____ percent; (iii) Cream: 75 percent; (iv) Butterfat in cream: 75 percent; (v) Milk by products other than cottage, pot or baker's cheese: 75 percent; and (vi) Cottage, pot or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)
- (f) Quota limitations. No handler · shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: Provided, That a handler may, after application to and approval

by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent in cream quotas.

(g) Quotas for handlers who are also producers. Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base

(h) Handler exemptions. Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, onehalf pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cot-

tage, pot, or baker's cheese.

(i) Quota exclusions and exemptions. Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) Transfers and apportionment of quotas. The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) Petition for relief from hardships. (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the na-

ture of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period of not to exceed 60 days.

- (4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.
- (1) Reports. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas:

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market

agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) Records. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) Distribution schedules. The distribution schedules, is any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such

schedules.

(o) Expense of administration. Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.015 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) Violations. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations. except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes de-liveries below that quota by at least the same percent.

(a) Bureau of the Budget approval. The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., October 17, 1943.

Issued this 11th day of October 1943.

C. W. KITCHEN, Acting Director of Food Distribution.

[F. R. Doc. 43-16597; Filed, October 11, 1943; 12:00 m.]

[FDO 66, Amdt. 1] PART 1468—GRAINS

MALTED GRAIN, MALT SYRUP, AND RICE

Correction

In paragraph (a) (7) (ii) of F.R. Doc. 43–16433, appearing in the third column of page 13841 of the issue for Saturday, October 9, 1943, the date "August 3" should read "August 31."

In paragraph (1) appearing in the first column of page 13843, the date "9th day of September, 1943" should read "9th day of October, 1943."

[FDO 80, Amdt. 1]

PART 1405-FRUITS AND VEGETABLES CONCORD GRAPES

Food Distribution Order No. 80 (8 F.R. 12527), issued by the War Food Administrator on September 10, 1943, is amended as follows:

- 1. By deleting from § 1405.25 (a) (3) the provisions thereof and inserting, in lieu thereof, the following:
- (3) The term "processing" means and includes the pressing, freezing, pulping, stemming, or seeding of restricted Concord grapes or unrestricted Concord grapes, and excludes the production of fruit jam, fruit jelly, fruit butter, and bottled grape juice therefrom; and such term "processing" also means and includes the act of applying a chemical or chemicals to restricted Concord grapes or unrestricted Concord grapes after such grapes have been harvested.
- 2. By inserting, after § 1405.25 (a) (13) thereof, the following:
- (14) The term "bottled grape juice" means and includes the unfermented juice of restricted Concord grapes or unrestricted Concord grapes, obtained by a single pressing of the fruit, with or without the aid of heat, and with or without the removal of insoluble matter, which has been bottled or packaged in individual containers of one gallon or less in volume.
- 3. By inserting, after § 1405.25 (b) (6), the following:
- (7) Any person may be authorized by the Director to sell or deliver any lot of restricted Concord grapes without regard to the restrictions of this order if, in the Director's judgment: (i) such restricted Concord grapes are not suitable for processing; or (ii) adequate processing facilities for the particular lot are not available; or (iii) such restricted Concord grapes are required for purposes other than processing; or (iv) such action is deemed necessary, for any other reason, to effectuate the purposes of this order. Any person may, without regard to the restrictions of this order, purchase or accept delivery of restricted Concord grapes which have been released from the restrictions of this order, as aforesaid, by the Director.
- (8) Notwithstanding any other provision of this order, the Director may, at

any time and for such period or periods as he shall deem necessary, issue a general authorization applicable to any of the areas listed in (a) (1) hereof, permitting the sale or delivery to other than licensed processors, of restricted Concord grapes, or any grade or variety thereof, produced in such excepted area or areas. Any person may, notwithstanding any other provision of this order, purchase or accept delivery of restricted Concord grapes released, as aforesaid, by a general authorization issued by the Director.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 80 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective at 12:01 a.m., e. w. t., October 12, 1943. E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423).

Issued this 11th day of October 1943.

ASHLEY SELLERS, Assistant War Food Administrator.

· [F. R. Doc. 43-16644; Filed, October 12, 1943;

11:30 a. m.]

[FDO 80-1, Amdt. 1]

PART 1405—FRUITS AND VEGETABLES

ALLOCATION OF PROCESSED CONCORD GRAPES

Director Food Distribution Order No. 80-1 (8 F.R. 12963), issued by the War Food Administrator on September 22, 1943, is amended as follows:

1. By deleting the introductory paragraph thereof and inserting, in lieu thereof, the following:

Pursuant to the provisions of Food Distribution Order No. 80 (8 F.R. 12527), as amended (supra), and to effectuate the purposes thereof, it is hereby ordered, as follows:

2. By deleting from § 1405.29 (a) the provisions thereof and inserting, in lieu thereof, the following:

(a) Definitions. The definitions contained in Food Distribution Order No. 80, as amended, shall, when used herein, have the same meaning as set forth in Food Distribution Order No. 80, as amended; and, when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof, the term "fresh Concord grapes' means and includes both "restricted Concord grapes" and "unrestricted Concord grapes" as those terms are defined in §§ 1405.25 (a) (1) and 1405.25 (a) (2), respectively, of Food Distribution Order No. 80, as amended.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Director Food Distribution Order No. 80-1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

This amendment shall become effective at 12:01 a. m., e. w. t., October 12, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 80, 8 F.R. 12527, as amended, supra.)

Issued this 11th day of October 1943.

C. W. KITCHEN, Acting Director of Food Distribution.

[F. R. Doc. 43-16643; Filed, October 12, 1943; 11:30 a. m.]

[FDO 42, Amdt. 2]

PART 1460-FATS AND OILS

RESTRICTIONS ON USE

Food Distribution Order No. 42, as amended (8 F.R. 9483), issued by the War Food Administrator on July 10, 1943, is amended to read as follows:

§ 1460.1 Use of fats and oils—(a) Deftnitions. (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including foots, grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard and rendered pork fat, and the fat and oil content of any other product, but not including cocoa butter, butter, wool (grease) fat, essential oils, tall oil, mineral oils, and vitamin bearing oils derived from fish or other marine animal livers or viscera.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(3) "Manufacturer" means any person who uses any fats or oils in the manufac-ture of any "finished product", and shall include all other persons directly controlling or controlled by such person and all persons under direct or indirect common control with such person. The term shall also include a "soap converter", but shall not include any crusher, renderer, refiner, or other processor except as and to the extent that his operations result in the production of a finished product, or any person who uses fats and oils in the home in the preparation of food for household consumption. A person who merely blends fats and oils shall not be deemed a manufacturer.

(4) "Soap converter" means any person who uses soap made by others as a raw material, and by the addition of other materials, including, but not limited to, silicates, phosphates, abrasives, borax, corn meal, and soda ash, makes a finished product which is sold for detergent uses. The term shall not include those persons who merely add small amounts of color or perfume to the original soap, or persons who merely dissolve paste or other soaps in water to make liquid soaps without adding other non-

(5) "Finished product" means any product produced by a manufacturer for the sale as his finished product and carried on his books as his finished product;

soap detergent materials.

or any product listed under Schedule A hereof produced by a manufacturer for his own consumption, except an intermediate produce used by him in the manufacture of another product listed under said Schedule A. However, the term shall not include:

(i) Lard or rendered pork fat;

(ii) Any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product listed under Schedule A hereof (excepting an edible product of which fats and oils are not the principal ingredient);

(iii) Any edible product of which fats and oils are not the principal ingredient;

(iv) Any edible product produced by any hotel or restaurant for consumption on the premises:

(v) Any medicinal preparation other than medicated soap;

(vi) Any vitamin preparation;

(vii) Olive oil;

(viii) Poultry fat; or

(ix) Soap intended for sale to soap converters for further processing.
(6) "Crusher" means any person who

presses, expels, or extracts oils from any seed, bean, nut, or corn or other oilbearing materials.

(7) "Principal ingredient" means the largest single ingredient by weight, subject to the qualification that mayonnaise and salad dressing are to be considered products of which fats and oils are not the principal ingredient regardless of the composition thereof.

(8) "Soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium or potassium bases; or any detergent composition containing such products, including all types of shaving soap and shaving cream. The term does not include, however, soap used for non-detergent purposes or for the processing of textiles.

(9) "Non-detergent purposes" means uses in which the function of the soap is not to clean, wash, scour, or remove dirt, grit, grease, or any other foreign material from any surface, material, assembly. part or product.

(10) "Package and bar soap" means all bar soap, and all other soap, except abrasive hand soaps, originally packed in unit packages containing less than

25 pounds net.

(11) "Bulk package soap" means any soap except bar soap, and abrasive hand soaps, which is originally packaged in unit packages containing 25 pounds net, or more.

(12) "Abrasive hand soap" means paste and powdered soap products sold regularly for the removal of soil from the human skin and which contain by weight not less than 10% or more than 40% anhydrous soap, and not less than 25% abrasive material of an organic or inorganic nature, to facilitate soil removal.

(13) "Foots" means the byproduct residue obtained in the refining of any fat or oil where such refining is accomplished by treatment of such fat or oil with any alkaline material.

(14) "Base period" means the calendar years 1940 and 1941.

(15) "Director" means the Director of Food Distribution, War Food Administration.

(b) Restrictions on manufacture. (1) No manufacturer, except as hereinafter provided, shall, in any calendar quarter, use or consume any fat or oil in any class of use listed in Schedule A below, in a quantity in excess of a quota equal to the percentage specified in such Schedule A of his average quarterly use or consumption of fats and oils in such class of use during the corresponding calendar quarters of the base period: Provided, however, That any person who manufactured paste water paint, dry casein paint, or dry protein paint, as such, in the base period, may, in any calendar quarter, for the sole purpose of manufacturing paint containing not more than one pound of fats and oils per gallon of paint, use a quantity of fats and oils equal to 60% of an amount of fats and oils computed on the basis of one pound of fats and oils for each gallon of his average quarterly production of paste water paint during the corresponding calendar quarters of the base period, and one pound of fats and oils for each 8 pounds of his average quarterly production of dry casein or dry protein paint during the corresponding calendar quarters of the base period.

SCHEDULE A

Permitted Class of use: percentage Manufacture of package and bar coap. Manufacture of bulk package coap____ 110 Manufacture of abrasive hand coap___ 150 Manufacture of paints, varnishes, lac-quers, and all other protective coat-Manufacture of linoleum, oilcloth (for floor coverings), and felt base floor coverings. Manufacture of olicloth (for all purposes other than floor coverings) and all other coated fabrics... Manufacture of printing inks, including lithographing, offset, silk cereen, and other processing inks

(2) If any manufacturer does not, in any calendar quarter, use or consume the quantity of fat or oil permitted by paragraph (b) (1) hereof, the unused part of his quota for such quarter (beginning with the second quarter of 1943) may, for the purposes of paragraph (b) (1), be carried forward and used only in the succeeding calendar quarter and then only after the regular quota for such quarter has been used.

(3) For the purpose of determining the quantity of raw "foots" which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(4) The restrictions on the use or consumption of fats and olls imposed hereby are imposed with respect to the use or consumption of fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the use or consumption of the same fat or oil used or consumed by him in the base period.

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(5) Nothing in paragraph (b) (1) hereof shall restrict:

(i) The use or consumption of fats and oils in any calendar quarter by any manufacturer, who was using fats or oils prior to July 1, 1943, and whose aggregate use or consumption of fats and oils in such calendar quarter is less than 10,000 pounds; or the use or consumption of fats and oils in any calendar quarter by any manufacturer, whose use of fats and oils did not commence until on or after July 1, 1943, and whose aggregate use or consumption of fats and oils in such calendar quarter is less than 1,000 pounds.

(ii) The use of fats and oils in the manufacture of the following products. delivered, or contracted for delivery, to the persons, or agencies, and for the specific purposes, if any, listed below:

(a) Any edible product or soap to the Army, Navy, Marine Corps, or Coast

Guard of the United States;

(b) Any edible product or soap to the Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation):

(c) Any edible product or scap to the

War Shipping Administration;

(d) Any edible product or soap to the United States Maritime Commission for use on vessels operated under its control;

(e) Any edible product or soap to the Veterans Administration;

(f) Any edible product or soap to the Panama Railroad Company;

(g) Any edible product or soap to a contract school as defined in Food Distribution Regulation 2 (8 F.R. 7523), for contract feeding of Army, Navy, Marine Corps, or Coast Guard personnel;

(h) Any edible product or scap to a ship operator as defined in said Food Distribution Regulation 2, for use on any vessels operated by him in such capacity;

(i) Any edible product to any person for the purpose of using such product in the preparation of meals to be served on vessels by the United States Maritime Commission:

(j) Any soap to any person for the purpose of using such soap in laundering under contract with the Army, Navy, Marine Corps, or Coast Guard of the United States, the War Shipping Administration, the United States Mari-time Commission, or a ship operator, as defined in said Food Distribution Regulation 2;

(1:) Any finished product to any person for use in the manufacture of any edible product delivered or to be delivered to any of the agencies or persons named in (a), (b), (c), (d), (e), (f), (g), (h), and (i), hereof, for the specific purposes, if any, set forth in said paragraph: Provided, however, That although delivery of a product pursuant to this paragraph (b) (5) (ii) may be made to the persons or agencies heretofore named in said paragraph through intermediate distributors, any delivery so made through intermediate distributors; or any delivery, direct or otherwise, made to the persons named in (g), (h), (i), (j), or (k), hereof, will not cause the use of

fats and oils in the manufacture of the product so delivered, to be exempt from the provisions of paragraph (b) (5) (i) hereof, unless and until a certificate, or certified copy thereof, is issued, en-dorsed, and delivered to the person claiming such exemption, in connection with such delivery, as follows: The cer-tificate shall state the name of the person making delivery, or to make delivery. of the final product, the name of the manufacturer of the final product, the amount and kind of final product delivered, or to be delivered, and that the person or agency to whom delivery has been, or is to be, made has either re-ceived the amount of final product covered by the certificate, or has contracted for such delivery. If delivery has been made, or is to be made, pursuant to (g), (h), (i), (j), or (k), hereof, the certificate shall also state the purpose for which the final product covered thereby is to be used. The foregoing certificate shall be signed by an authorized officer, or official, of the agency receiving, or to receive, the final product, or if the final product has been received, or is to be received, by a private person, the certificate shall be signed by such person or his authorized agent. The certificate shall be delivered to the person who made, or is to make, delivery, and such person, if he did not, or will not, manufacture the product covered by the certificate, shall deliver it promptly by mail, or otherwise, to the manufacturer of the final product named thereon. Promptly upon receipt of the certificate the manufacturer of the final product named thereon shall execute and sign an endorsement thereon showing the amount of fats and oils used, or to be used, in the manufacture of the amount of final product covered by the certificate. In addition thereto, if such person used, or is to use, any finished product delivered, or to be delivered, to him pursuant to (k) hereof, in the manufacture of the final product covered by the certificate, he shall set forth in the endorsement the name of the person so supplying, or to supply, him with such finished product and the amount and kind of the finished product delivered. or to be delivered, by such supplier for such purpose. The manufacturer of the final product shall then make a copy of the certificate and endorsement thereon. certified by him to be true and correct, and deliver such copy promptly, by mail, or otherwise, to such supplier. However, the manufacturer of the final product may, in making the copy for any particular supplier, delete the data concerning suppliers other than the supplier to whom the copy is to be delivered, and insert in lieu thereof the following: "Data concerning other suppliers has been deleted." . And, It is further provided: That the use of fats and oils in the manufacture of a finished product to be delivered directly to any agency named in (a), (b), (c), (d), (e), or (f), hereof, shall not be exempt from the provisions of (b) (1) hereof, unless and until the person claiming such exemption shall have entered into a contract with such agency to deliver such finished product.

(iii) The use of fats and oils in the manufacture of all protective coatings, coated fabrics, linoleum, oilcloth, and felt base floor coverings, delivered or to be delivered to, or used on or incorporated in material and equipment delivered or to be delivered to, the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, or to the War Shipping Administration, or delivered, or to be delivered, pursuant to the Act of March 11, 1941 (Lend-Lease Act): Provided, however. That no fats or oils used or delivered pursuant to the terms of this paragraph (b) (5) (iii) by any manufacturer shall be exempt from such manufacturer's quota under the terms of this order unless, on or before the 15th day of the month succeeding the month in which the fats and oils were so used. he shall mail to the Director a report of such use on Form FDA-523, or such other forms as the Director may prescribe.

(iv) The use of fats and oils in the manufacture of edible finished products and soaps to be exported to the Dominion of Canada where such Dominion has granted a license for the import of such products, or to any other country pursuant to an export license issued by the Foreign Economic Administration.

(6) A manufacturer's use of fats and oils in accordance with the provisions of paragraphs (b) (5) (ii), (iii), and (iv) shall not be charged against his quota under paragraph (b) (1) hereof, and any fats or oils used or consumed by a manufacturer in the base period for any use set forth in paragraphs (b) (5) (ii), (iii), and for the manufacture of edible finished products and soap for export to a foreign country shall be excluded in determining his quota under paragraph (b) (1) hereof.

(7) A person who acquires all the manufacturing facilities of another person in a particular class of use shall thereby become entitled to the quota of such other person in such class of use, whether or not he continues to operate such facilities in whole or in part: Provided, however, That he shall within 30 days following such acquisition inform the Director of the facilities acquired, their location, whether or not operation will be continued in the same or another location, and the amount of quota which he claims to have acquired in each class of use.

(8) Fats and oils owned by one person, which are processed by another person, shall be charged against the quota of the owner and not the processor: Provided, however, That the title to the product resulting from the processing shall remain in the owner of the fats and oils and such owner shall market the product and shall invoice and collect for such product through his own organization, and the processor shall not buy directly or indirectly any product so produced. Otherwise, such fats and oils shall be chargeable against the quota of the processor.

(c) Existing contracts. The restrictions of this order shall be observed without regard to existing contracts or any

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rights accrued or payments made thereunder.

(d) Records and reports. (1) Each manufacturer, other than a soap converter, who, in any calendar quarter, uses or consumes more than 6,000 lbs. of fats and oils in the aggregate, shall file with the Bureau of the Census, Washington 25, D. C., each of the following reports in the following manner:

(i) He shall file, on or before the 15th day of each month, Bureau of Census Form BM 1, or such other form or forms as may be prescribed by the Director, showing his consumption of fats and oils during the preceding month; and

(ii) He shall file, on or before the 15th day of the second month of the succeeding quarter, Bureau of Census Form BM 2, or such other form or forms as may be prescribed by the Director, showing his consumption of fats and oils during the preceding quarter.

(2) The Director shall be entitled to obtain such information from, and require such reports, and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in fats and oils, and keep all certificates and endorsements, or coples thereof required by this order to support any claim for quota exemption made by him. All statements contained in such certificates or endorsements shall be deemed representations to an agency of the United States.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) Audits and inspection. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations, as may be necessary or appropriate, in his discretion to the enforcement or administration of the provisions of this order.

(f) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C. Ref. FDO 42. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(g) Violations. The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using fats and oils, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 42.

(i) Delegation of authority. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers are the administration of this order, are hereby delegated to the Director. Director is authorized to redelegate any or all of the authority vested in him by this order to any employee of the United States Department of Agriculture.

(j) Territorial extent. This order shall apply only to the forty-eight States of the United States and the District

of Columbia.

(k) Effect of other orders. Insofar as any other order of the Secretary of Agriculture, the War Food Administrator, or the Director, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition, or disposition of any fat or oil, the limitations of such other order shall control.

(1) Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., October 14, 1943. However, with respect to violations of Food Distribution Order No. 42, as amended, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order No. 42, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 11th day of October 1943.

ASHLEY SELLERS. Assistant War Food Administrator.

[F. R. Doc. 43-16645; Filed, October 12, 1943; 11:30 a. m.]

No. 203---2

TITLE 10-ARMY: WAR DEPARTMENT

Chapter VII-Personnel

PART 79B-WOMEN'S ARMY AUXILIARY Corps

ENLISTMENT IN WAC BY HONORABLY DIS-CHARGED MEMBERS OF THE WAAC

79b.18 Women's Army Corps. (a) Any honorably discharged enrolled member of the Women's Army Auxiliary Corps may, if qualified, enlist as a private in the Army of the United States. Upon her request she may be assigned to the organization from which she was discharged if application for enlistment is made within 90 days after discharge from the Women's Army Auxiliary Corps and if the commanding officer of her last station concurs. Enlistment may be accomplished by applying in person at the last post of duty or at any Army recruiting and induction station. Such applicants may be accepted for general assignment in the same manner as any other applicants if they do not desire assignment to their last station. Where reenlistment is made at applicant's former station, concurrence of the commanding officer will serve as waiver of the mental aptitude

(b) If the individual applies for enlistment at a recruiting and induction station and requests assignment to her last station she may be enlisted, if qualified, and ordered thereto if concurrence of the commanding officer of such post is obtained. Continued assignment to station of choice necessarily depends upon the requirements of the military situation.

(c) If application is made at the last duty station the commanding officer thereof may, at his discretion, enlist the applicant, if qualified, and assign her to duty.

(d) The foregoing instructions do not include assignment to stations outside the continental United States.

(e) Individuals discharged from the Women's Army Auxiliary Corps who apply for enlistment in the Women's Army Corps more than 90 days after discharge will be enlisted for general assignment, if qualified, and will be dispatched to Women's Army Corps training centers where they will be processed and reported available for assignment. They need not be required to take the regular course of basic training, but may, pending assignment, at the discretion of the commandant of the training center, be given brief refresher training at the center.

(f) All requirements for enlistment in the Women's Army Corps will be met by applicants who were honorably discharged from the Women's Army Auxiliary Corps, except that where an applicant has undergone a complete physical examination by proper Army medical authorities within 60 days prior to reenlistment, and such examination has disclosed no physical defect that would disqualify her for enlistment, she may be accepted without further physical

examination other than the determination by the medical examining officer that there has been no intervening illness, injury, or material change for the worse in her physical condition, pro-vided the medical examining officer is furnished a copy of the previous complete medical examination of the individual. (Pub. Law 110, 78th Cong., 1 July 1943) [Sec. III, W.D. Cir. 237, 29 September 1943]

[SEAL]

J. A. Ulio, Major General, The Adjutant General.

[F. R. Doc. 43-16620; Filed, October 12, 1943; 10:11 a. m.]

TITLE 30-MINERAL RESOURCES

Chapter VI-Solid Fuels Administration for War

[Regulation 5]

PART 602—GENERAL ORDERS AND DIRECTIVES

ANTHRACITE FOR OPERATORS OF POULTRY BROODERS AND HATCHERIES

It is necessary, in order to protect the poultry and egg supply of the nation, to provide the operators of poultry brooders and hatcheries with sufficient anthracite for their purposes. Accordingly, in order to effectuate the purposes of Executive Order No. 9332 and by virtue of the authority vested by that order, the following regulation is issued by the Solid Fuels Administrator for War.

602.81 Definitions

Preferred deliveries £02.82 Sequence of deliveries

€92.£3 €02.£4 Appeals

Other regulations €02.85

602.86 Records Audit and inspection

€92.87 C02.83 **Violations**

AUTHORITY: \$\$ 602.81 to 602.83, inclusive, imued under 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9125, 7 F.R. 2719; E.O. 9332, 8 F.R. 5355.

§ 602.81 Definitions. For purposes of

this regulation:

(a) "Anthracite" means that coal which (1) is generally referred to as Pennsylvania anthracite, (2) is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northum-berland, Schuylkill, Susquehanna and Wayne, and (3) is limited to the sizes

generally known as chestnut and pea.
(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of

persons.

(c) "Producer" means any person engaged in the business of mining or pre-

paring anthracite.

(d) "Wholesaler" means any producer who sells anthracite to retail dealers, and any person who purchases and resells anthracite to retail dealers.

(e) "Retail dealer" means any person who purchases and physically handles anthracite for resale to the operators of

poultry brooders or hatcheries.
(f) "Order" means any request or contract for the purchase of anthracite or any requisition or other arrangement designed to procure anthracite from a producer, wholesaler or retail dealer for use in a poultry brooder or hatchery located at any place within the continental United States.

(g) "Day's supply" means that amount of anthracite which it is reasonably expected will be consumed in a particular poultry brooder or hatchery each day during the 30 days next following the placing of an order for anthracite.

§ 602.82 Preferred deliveries. Without regard to other orders but subject to the specific direction of the Solid Fuels Administrator for War, each producer and wholesaler shall accord preference in the delivery of antharcite in railroad carload lots or truckload lots, depending upon the customary transportation facilities of the shipper, to any operator of a poultry brooder or hatchery for use therein or to any retail dealer for resale for such use; and each retail dealer shall accord preference in delivery of anthracite in any quantity to any operator of a poultry brooder or hatchery for use therein; Provided however, That no preference in delivery shall be given to an order of an operator of a poultry brooder or hatchery when the delivery of such tonnage added to the tonnage which the purchaser has on hand will exceed 90 days' supply. Before accepting an order for anthracite for such use, a producer, wholesaler or retail dealer shall obtain, in duplicate, a written statement signed by the purchaser stating that the anthracite covered by such order is for use only in a poultry brooder or hatchery or for resale for such use. When such statement is made by the operator of a poultry brooder or hatchery, it shall also contain the number of days' supply which the tonnage to be purchased represents and the number of days' supply which the purchaser has on hand on the date the statement is made. All representations contained in such statements shall be deemed to be made to the Solid Fuels Administrator for War.

§ 602.83 Sequence of deliveries. Each producer, wholesaler or retail dealer shall make deliveries pursuant to the provisions of § 602.82 of this regulation in accordance with (a) the order of the purchaser who has on hand the least number of days' supply, or (b) the delivery dates specified in the orders. or (c) if it is impossible to make such deliveries on the dates specified, then in accordance with the dates on which such orders have been received.

§ 602.84 Appeals. Each person participating in any transaction to which any portion of this regulation applies may appeal to the Solid Fuels Administrator for War, Department of the Interior, Washington, D. C. regarding (a) rejection of an order in violation of § 602.82 hereof, or (b) unreasonable detrator may take such action as he deems appropriate or necessary in regard to such appeal.

§ 602.85 Other regulations. Nothing contained in Solid Fuels Administration for War Revised Regulation No. 2 shall be deemed (a) to exclude compliance with the provisions of the Regulation, or (b) to preclude any action by the Solid Fuels Administrator for War under Solid Fuels Administration for War Regulation No. 1.

§ 602.86 Records. Each person participating in any transaction to which any portion of this regulation applies shall keep and preserve for a period of not less than two years accurate and complete records of the details of all such transactions. The requirements of this regulation with respect to the written statement which must accompany orders, and with respect to records required to be kept and preserved have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

§ 602.87 Audit and inspection. All records required to be kept by this regulation shall, upon request, be submitted for inspection, copy and audit by duly authorized representatives of the Solid Fuels Administrator for War.

§ 602.88 Violations. Any person who wilfully violates any provision of this regulation, or who, by any act or omission, wilfully falsifies certifications or records kept or information furnished in connection with this regulation, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section-35 (A) of the Criminal Code (18 U.S.C. sec 80), or under the Second War Powers Act, (Public No. 507, 77th Cong., March 27, 1942).

This regulation shall take effect on the date of issuance.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.)

Issued this 11th day of October 1943. HAROLD L. ICKES. Solid Fuels Administrator for War.

[F. R. Doc. 43-16619; Filed, October 12, 1943; 10:00 a. m.l

TITLE 31-MONEY AND FINANCE: TREASURY

Chapter II-Fiscal Service Subchapter A-Bureau of Accounts [1943 3d Supp. Dept. Circ. 570, Rev. April 20. 19431

PART 226-SURETY COMPANIES WESTERN NATIONAL INDEMNITY CO.

OCTOBER 9, 1943.

Under date of September 30, 1943, the lay in making deliveries. The Adminis- "Occidental Indemnity Company", San

Francisco, California, a California corporation, formally changed its name to that of "Western National Indemnity Company". A copy of the certificate of amendment of the Articles of Incorporation of the "Occidental Indemnity Company," duly certified by the Secretary of State of the State of California, has been received and filed in the Treasury.

The change in the name of the company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which the Occidental Indemnity Company may have undertaken, pursuant to its authority under the Act of August 13, 1894, as amended, to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "Western National Indemnity Company" on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United

States.

[SEAL] D. W. BELL, Acting Secretary of the Treasury.

JF. R. Doc. 43-16626; Filed, October 12, 1943; 11:06 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1316-COTTON TEXTILES [MPR 11,1 Amdt. 10]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1316.4 (d) Table I, under the heading Filter Cloth reference number BP2 is added to read as follows:

BP2 48½" 19 x 19 1.50_____ 44.25

This amendment shall become effective on the 16th day of October 1943.

(56 Stat. 23, 765; Pub Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of October 1943. Prentiss M. Brown, Administrator.

[F. R. Doc. 43-16610; Filed, October 11, 1943; 3:44 p. m.]

PART 1351-FOOD AND FOOD PRODUCTS [MPR 292,3 Amdt., 5]

SALES OF CITRUS FRUITS BY PACKERS, BRO-KERS, AUCTION MARKETS, TERMINAL SELL-ERS AND INTERMEDIATE SELLERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

^{*}Copies may be obtained from the Office of Price Administration.

¹⁸ F.R. 361, 2206, 4628, 4725, 5477, 8965, 8615, 8937, 10900, 11434.

²8 F.R. 135, 543, 2869, 3367, 6134, 10432.

Section 1351.1404 (j) is amended to read as follows:

(j) Imported citrus fruits. For each unit of citrus fruits (that is box, lug, crate, or other container) imported from any country, the maximum delivered price per unit at any terminal market or any other wholesale receiving point shall be the maximum delivered price for the most similar variety of domestic citrus fruits. However, for grapefruit imported from the Isle of Pines for sale within the continental limits of the United States, the maximum delivered price per unit at any terminal market or any other wholesale receiving point shall be the maximum delivered price for grapefruit produced in the state of California between June 1, and October 31, both inclusive, as shown in the table for grapefruit in § 1351.1416 (b), at the particular terminal market or other wholesale receiving point.

This amendment shall become effective October 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 11th day of October 1943. - PRENTISS M. BROWN. Administrator.

[F. R. Doc. 43-16607; Filed, October 11, 1943; 3:46 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS [Rev. MPR 456]

ALFALFA HAY PRODUCTS

Maximum Price Regulation 456 is redesignated Revised Maximum Price Regulation 456 and is revised and amended to read as set forth herein: In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders 9250 and 9328.

Such specifications and standards as are used in this revised regulation were, prior to such use, in general use in the

trade or industry affected.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351,366 Maximum prices for alfalfa hay products. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Revised Maximum Price Regulation 456 (Alfalfa Hay Products) which is annexed hereto, and made a part hereof, is hereby issued.

AUTHORITY: § 1351.366 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681. REVISED MAXIMUM PRICE REGULATION 458-ALFALFA HAY PRODUCTS

ARTICLE I-SCOPE OF THIS REVISED REGULATION

Applicability.
Effect of maximum prices.

ARTICLE II-DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

Definitions.

Maximum prices for sales of domestic alfalfa hay products by processors.

Maximum prices for cales of domestic alfalfa hay products by jobbers.

Maximum prices for sales of domestic

alfalfa hay products by wholesalers. 7. Maximum prices for cales of domestic

alfalfa hay products by retailers.

8. Maximum prices for sales of domestic alfalfa hay products by any other

percon.

9. Increases for sacks or packages.

Maximum prices for sales of imported

alfalfa hay products.

11. Maximum prices for export cales.

ARTICLE III-MISCELLANEOUS PROVISIONS

Adjustable pricing.

Evasion. 13.

14. Records and reports.

Enforcement.

Protests and petitions for amendment

Licensing.

ARTICLE I-SCOPE OF THIS REVISED REGULATION

Section 1. Applicability. (a) Except as provided in paragraphs (b) and (c) of this section, this revised regulation shall govern all sales whether for immediate or future delivery, of domestic or imported alfalfa hay products within the forty-eight states and the District of Columbia of the United States.

(b) This revised regulation shall have no application to those sales or deliveries of domestic and imported alfalfa hay products within the area known as Region VIII as now or hereafter established by the Office of Price Administration which sales and deliveries shall be subject to order heretofore issued by the Office of Price Administration Regional Administrator of this Region VIII under § 1499.18 (c) as amended of the General Maximum Price Regulation.

(c) This revised regulation shall have no application to sales by any person other than a processor of domestic or imported alfalfa hay products for hu-

man consumption.

Sec. 2. Effect of maximum prices. (a) While this revised regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any alfalfa hay products at prices above the maximum prices established by this revised regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.
(b) However, prices lower than the

maximum prices established by this revised regulation may be charged and

paid.

ARTICLE II-DEFINITIONS. MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. Definitions. When used herein " the following terms shall have the fol-

lowing meanings:
(a) "Person" means an individual, corporation, partnership, association or

other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

(b) "Alfalfa hay products" includes alfalfa meal, chopped alfalfa and those produces described in section 4 (a) (iv)

(c) "Processor" is a person who produces alfalfa hay products from alfalfa hay.

(d) "Chopped alfalfa" is the entire alfalfa hay, chopped or cut and not ground finely enough to pass through a screen having a less than 1 inch mesh. Chopped alfalfa must not contain an admixture of alfalfa straw or other foreign material.

(e) "Alfalfa meal" is the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds and must not contain more than 33 percent of crude fibre.

(f) "Alfalfa leaf meal" is the ground product consisting chiefly of leafy materials separated from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds and must not con-

tain more than 18 percent of crude fibre.
(g) "Alfalfa stem meal" is the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

(h) "Dehydrated" means artificially dried.

(i) "Jobber" is a person who buys alfalfa hay products (other than for human consumption) and resells the same except to a feeder without unloading into a warehouse.

(j) "Wholesaler" is a person who buys alfalfa hay products (other than for human consumption), unloads the same into a warehouse and resells the same to a retailer. It includes a processor who transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

(k) "Retailer" is a person who buys alfalfa hay products (other than for human consumption) and resells the same to a feeder. It includes a processor where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

(1) "Feeder" is a person who feeds any alfalfa hay products to animals or

roultry.
(m) "Carload lot" means a lot of alfalfa hay products of 60,000 pounds or more, (or the rated capacity of the railroad car in which shipment is made).

(n) "Less than carload lot" means a lot of alfalfa hay products less than a

carload quantity.

(o) Except as used in section 4 (a) and 4 (b) hereof (wherein transportation charges are expressly stated to be at a specified all rail rate between designated

^{*}Copies may be obtained from the Office of Price Administration.

points), "transportation charges" shall

be computed at:

(1) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(2) If there is no such rate, the reasonable value of the service (including the 3 percent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. Maximum prices for sales of domestic alfalfa hay products by processors. (a) The maximum price for the sale and delivery of alfalfa hay products in carload lots, bulk, per ton, by a processor at production plant shall be the basic price set forth below for each type or variety less

(1) If the production plant is located in the States of Arkansas, Texas, Oklahoma, Tennessee, Mississippi, New Mexico, Utah and the portion of Idaho and Oregon in Region VII \$6,00 per ton, except in the case of chopped alfalfa, in which case the amount to be deducted from the basic price shall be determined under subparagraph (a) of this Section as if the production plants located in these states were located elsewhere; or

(2) If the production plant is located elsewhere transportation charges at the lowest domestic carload flat all rail rate from production plant to Boston, Massachusetts: *Provided*, That said transportation charges so to be deducted shall never exceed \$13.50 per ton.

(i) Dehydrated alfalfa meal.

Basi	c price
pe	rton
Alfalfa leaf meal	864.70
Alfalfa meal:	
20 percent or over of protein	62,70
17% up to 20% of protein	59.70
15% up to 17% of protein	56.70
Less than 15% of protein	52.70
Alfalfa stem meal	42.70
Allalia Stelli meal	44. 10
(ii) Sun cured alfalfa meal.	
No. 1 or choice alfalfa leaf meal	56.70
Standard alfalfa leaf meal	52.70
No. 1—Fine ground:	
20% or over of protein	56.70
17% up to 20% of protein	51.70
15% up to 17% of protein	47.70
Less than 15% of protein	44.70
No. 1—Medium	42.70
No. 1—¼ in. screen	43.20
No. 1—1/4 in. screen	43.70
No. 1—Alfalfa stem meal	39.70
No. 1—Aliana stem meal	38.70

The foregoing basic prices for each such kind of sun cured alfalfa meal shall be reduced by \$2.00 per ton for No. 2 grade sun cured alfalfa meal and by \$4.00 per ton for sample grade sun cured alfalfa meal.

(iii) Chopped alfalfa.

No. 1—Chopped alfalfa_____\$40.00

The foregoing basic price of chopped alfalfa shall be reduced by \$2.00 per ton for No. 2 grade chopped alfalfa and by \$4.00 per ton for sample grade chopped alfalfa.

(iv) Other alfalfa hay products. For all products produced from the processing of alfalfa hay not hereinbefore in this section specifically listed (including products resulting from the further processing of alfalfa meal or chopped alfalfa) whether for human or animal

consumption or other use, the basic price shall be the foregoing basic price for No. 1 fine ground sun cured alfalfa meal, less than 15 percent of protein, as set forth in subdivision (2) (ii) of this section; and the maximum price shall be said basic price plus (or less, as the case may be) the dollar and cents price differential of the processor (or, if none, the dollar and cents price differential in use normal to the trade) during July, 1943, in respect to sales of said alfalfa meal as compared with sales of the product in question.

(b) The foregoing maximum prices specified in paragraph (a) of this section may be increased for sales by a processor, in carload lots, bulk, per ton, delivered to the purchaser at any point other than production plant by transportation charges at the lowest domestic carload flat all rail rate from production plant to the point where delivered to the purchaser.

(c) The foregoing maximum prices specified in paragraph (a) of this section may be increased for sales by a processor in less than carload lot, bulk, per ton, at production plant at the rate of \$1.00 per ton.

(d) The foregoing maximum prices specified in paragraph (c) of this section may be increased for sales by a processor in a less than carload lot, bulk, per ton delivered to the purchaser at any point other than production plant by transportation charges actually incurred by the seller from production plant to the point where delivered to the purchaser.

SEC. 5. Maximum prices for sales of domestic alfalfa hay products by jobbers. The maximum price for the sale of domestic alfalfa hay products (other than for human consumption) by a jobber shall be:

(a) 50 cents per ton (maximum markup) for all sales in carload lots; and

(b) \$1.00 per ton (maximum markup) for sales in less than carload lots or pool car lots.

Over the maximum price which he could lawfully have paid the processor for the quantity or quality of the commodity purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

Sec. 6. Maximum prices for sales of domestic alfalfa hay products by wholesalers. The maximum price for the sale of domestic alfalfa hay products (other than for human consumption) shall be \$2.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

Sec. 7. Maximum prices for sales of domestic alfalfa hay products by retailers. The maximum price for sales of domestic alfalfa hay products (other than for human consumption) by a retailer shall be \$7.00 per ton (maximum markup) over the maximum price which

he could lawfully have paid the processor, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 8. Maximum prices for sales of domestic alfalfa hay products by any other person. (a) The maximum prices for the sale of any alfalfa hay products by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom he purchased could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this revised regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: Provided, That no such sale, nor sales to a person of a different class shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers,

Sec. 9. Increases for sacks or packages. (a) The maximum price for the sale of domestic or imported alfalfa hay products, sacked or packaged, where the seller has furnished the sacks or packages shall be the appropriate maximum price for a like sale, in bulk, plus the reasonable market value of the sacks or packages used, not exceeding any maximum price thereon at the time of the sale or delivery.

(b) The maximum price for the salo of domestic or imported alfalfa hay products for human consumption, packaged, where the buyer has furnished the packages shall be the appropriate maximum price for a like sale in bulk, plus the reasonable value of the packages and packaging service rendered by the seller, not exceeding any maximum price therefor at the time of the sale or delivery.

SEC. 10. Maximum prices for sales of imported alfalfa hay products. (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported alfalfa hay products shall be the maximum price for a like sale as if made by a processor of a like quantity and quality of the domestic product produced at that domestic production plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products subject to this revised regulation shall add their respective permitted markups as provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the basic maximum price thereof as specified in paragraph (a) of this section.

Sec. 11. Maximum prices for export sales. The maximum price for export sales of alfalfa hay products shall be determined in accordance with the provisions of the Second Revised Maximum-Export Price Regulation.

ARTICLE III-MISCELLANEOUS PROVISIONS

Sec. 12. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or byoany official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Sec. 13. Evasion. The provisions of this revised regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, > purchase or receipt of any commodity covered by this revised regulation alone or in connection with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege or tying-agreement or other trade understanding or otherwise.

SEC. 14. Records and reports. (a) Every seller subject to this revised regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of alfalfa hay products after the effective date of this revised regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 15. Enforcement. Persons violating any provisions of this_revised regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

Sec. 16. Protests and petitions for amendment. Any person desiring to file a protest against or seeking an amendment to any provisions of this revised regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administra-

SEC. 17. Licensing. The provisions of Licensing Order No. 1,1 licensing all persons who make sales under price control. are applicable to all sellers subject to this revised regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

This revised regulation shall become effective October 11, 1943.

Note: The record keeping provisions of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of October 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-16615; Filed, October 11, 1843; 3:46 p. m.]

PART 1373-PERSONAL AND HOUSEHOLD ACCESSORIES

[MPR 476]

LUGGAGE

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the issuance of this regulation is necessary to check inflation and to effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another Government agency.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1373.1 Maximum prices for luggage. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 476 (Luggage), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1373.1 iccued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 FR. 7871; E.O. 9323, 8 FR. 4631.

MAXIMUM PRICE REGULATION No. 476-LUGGAGE

ACTICLE I-PROBERTIONS

- 1. Scope of this regulation.
- 2. Prohibitions.
- 18 F.R. 13240.
- *Copies may be obtained from the Office of Price Administration.

ARTICLE II-MANUFACTURERS' CERLING PRICES

- 3. Manufacturem' ceiling prices.
- 4. Manufacturers must calculate retail celling prices.
- 5. Stock numbers and retail price tags. 6. Reports to be filed by manufacturers.
- 7. Notification.

-RETAILERS' CEILING FRICES

- 8. Celling prices for sales by retailers of luggage with tago attached.
- 9. What retailers are to do about luggage which does not have tags attached.

APPRICAL IN-JOHNERS' CENTING PRICES

- 10. Celling prices for sales by jobbers of luggage with tags attached.

 11. What jobbers are to do about luggage
- which does not have tags attached.

AETICLE V-MISCELLANEOUS

- 12. Taxes.
- Sales alips, invoices, and receipts.
 Records to be kept by retailers.
- 15. Relation between this regulation and the General Maximum Price Regulation.
- 16. Licensing.
- 17. Exports.
- 18. Petitions for amendment.
- 19. Enforcement and evasion.
- 20. Geographical applicability.

ARTICLE I-PROHIEITIONS

Section 1. Scope of this regulation. This regulation applies to all sales of leather and non-leather luggage manufactured in the continental United States, including sales by manufacturers, jobbers, and retailers.

"Luggage" means any container com-monly used for the transportation of personal effects on a journey; for example, furlough bags, overnight cases, week-end cases, pullman cases, men's wardrobes, and foot lockers. In addition, the term "luggage" includes physical control of the c sicians' bags, sample cases and sample trunks. Furthermore, the term "luggage" as used in this regulation includes only new luggage; used or reconditioned luggage is not covered by this regulation.

SEC. 2. Prohibitions. (a) After this regulation becomes effective, regardless of any contract or other obligation, no person shall sell, deliver, buy, or receive any item of luggage in the course of trade or business at a price higher than the ceiling price established by this regulation, and no person shall offer, solicit. attempt, or agree to do any of the foregoing.

(b) Prices lower than the ceiling prices may be charged, demanded, paid, or offered.

ARTICLE II—MANUFACTURERS' CEILING PRICES

SEC. 3. Manufacturers' ceiling prices. If you are a manufacturer, your ceiling price for each item of luggage shall continue to be determined in accordance with Maximum Price Regulation No. 188, as qualified by the provisions of paragraphs (a) and (b) of this section.

(a) Regardless of ceiling prices determined under Maximum Price Regulation No. 188, the ceiling price for any type of non-leather luggage, except sam-

¹7 F.R. 5372, 7867, 8943, 8948, 10155; 8 F.B. 537, 1815, 1950, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9336, 10433, 10306, 11037, 12406, 12479, 12186, 12663.

ple cases and sample tranks, may not exceed the highest price charged by you for the same type of non-leather luggage in your regular line from March 1, 1942, to August 31, 1943, inclusive. For the purposes of this paragraph, "non-leather luggage" means any luggage which, except for the trim, is made from some material other than leather. Sample cases and sample trunks include only those cases and trunks which are primarily designed for carrying merchandise or samples. You may not take the highest price charged by you from March 1, 1942, to August 31, 1943, for a type of leather luggage for the purpose of determining the highest price you may charge for a type of non-leather luggage.

At the time a ceiling price is fixed under Maximum Price Regulation No. 188 for a new item of luggage of a type which was not sold by you from March 1, 1942, to August 31, 1943, the Office of Price Administration will also fix the highest price which you may charge for that type of luggage in line with the level of ceiling prices already established for your sales of other types of nonleather luggage in your line. If you have never manufactured luggage before, at the time a ceiling price is fixed under Maximum Price Regulation No. 188, the Office of Price Administration will also fix the highest price which you may charge for the type of luggage being priced.

Non-leather luggage is for this purpose divided into the following types:

Furlough Bags Men's Wardrobes Overnight Cases Men's Weekends Pullman Cases (empty) Foot Lockers Tray Pullman Cases Physicians' Bags

(b) On sales to jobbers, you must allow each jobber a discount of not less than 8 per cent of your ceiling price to the class of retailers which contained the largest number of your customers during August 1943. However, if you gave a discount of more than 8 per cent to a jobber during March 1942, you must continue to allow the larger discount.

Sec. 4. Manufacturers must calculate retail ceiling prices. If you are a manufacturer, you must calculate the retail ceiling price for each item of luggage in

the following manner:

First, find your ceiling price (f. o. b. factory, exclusive of federal excise tax) to the class of retailers which contained the largest number of your customers during August 1943. Multiply that price by 1.82. Then add the amount of the federal excise tax and adjust to the nearest 5¢. The resulting price is the ceiling price for all sales of the item at retail.

For example, if your ceiling price for sales to the class of retailers which contained the largest number of customers during August 1943 of a certain men's wardrobe is \$10.00, exclusive of federal excise tax, you multiply that price by \$1.82, obtaining \$18.20. To that figure you add \$1.00, the amount of the federal excise tax (10 percent of \$10.00), which results in a ceiling price, including tax, of \$19.20 for all sales at retail.

Sec. 5. Stock numbers and retail price tags—(a) Stock numbers. If you are a manufacturer, you must assign a lot or stock number to every item of luggage manufactured by you. This lot or stock number must be on every tag as required by paragraph (c) of this section, and every invoice as required by section 13.

(b) On and after November 1, 1943, if you are a manufacturer, you may not deliver any item of luggage unless the retail price tag described below is attached to it. On and after November 15, 1943, if you are a jobber, you may not deliver any item of luggage unless the retail price tag is attached to it, and on and after November 30, 1943, if you are a retailer, you may not offer for sale, sell, or deliver any item of luggage unless such a price tag is attached to it.

The tag must be a durable one and must be securely attached to the top or handle of the luggage. It must contain in easily readable lettering the retail ceiling price, manufacturer's lot number and size of the luggage, and a space in which the retailer may insert his selling price. The statement shall be in the following form:

O. P. A. retail ceiling price, including federal excise tax _____ Selling price Lot number Do not detach

The tag may not be removed until after the luggage has been delivered to the

SEC. 6. Reports to be filed by manufacturers. On or before November 1, 1943, if you are a manufacturer of luggage, you must file a report with the Office of Price Administration, Washington, D. C. This report shall contain the following:

(a) The lot number, size, and description of each item of non-leather luggage to be manufactured and sold by you under War Production Board Limitation Order No. 284, as amended.

Your report must also contain your ceiling price to each class of purchaser for each item. Ceiling prices for luggage are determined under the provisions of Maximum Price Regulation No. 188, and you should indicate the section (giving number) of that Regulation under which you determined each maximum price reported.

(b) The highest prices charged by you during the period March 1, 1942, to August 31, 1943, for each type of nonleather luggage listed in section 3 (a) of this regulation, giving the lot number or description of the item in each type for which such price was charged.

Sec. 7. Notification. It is necessary that retailers and jobbers know the retail ceiling prices of luggage in their stocks in order to tag such luggage. (a) Manufacturer. If you are a manufacturer, on or before November 1, 1943, you must notify in writing every person who bought from you on and after July 1, 1943, any item of luggage made by you in accordance with WPB Limitation Order L-284, as amended, of (1) stock or lot number, (2) size of each item of such luggage, and (3) the retail ceiling price of each item of such luggage determined under section 4 of this regulation. This written notice may be given in any convenient form. You must also send

to each retailer a copy of section 9 of this regulation and to each jobber a copy of section 11 of this regulation. A copy of the regulation itself may be sent to retailers and jobbers instead of copies of the sections mentioned above.

(b) Jobbers. If you are a jobber, on or before November 15, 1943, you must notify in writing all retailers who purchased any item of luggage from you on and after July 1, 1943, of the lot or stock number, size, and retail ceiling price of those items of luggage with respect to which the manufacturers have notified you of the retail ceiling prices. This written notice may be given in any convenient form. In addition, you must send to each retailer a copy of section 9 of this regulation or the regulation itself.

ARTICLE III-RETAILERS' CEILING PRICES

SEC. 8. Ceiling prices for sales by retailers of luggage with tags attached. (a) Section 4 of this regulation requires each manufacturer to calculate the retail ceiling price for each item of luggage he delivers to you on or after November 1, 1943. If you are a retailer, the price so calculated is the ceiling price, including tax, for all sales of such luggage by you to consumers. You will find the retail ceiling price on the tag which section 5 requires the manufacturer to attach to each item. As soon as you receive any item of luggage with the tag attached, you may not sell such item at a price higher than that marked on the tag.

(b) Credit charges for the extension of credit may be added to the retail ceiling prices established by this Regulation only to the extent permitted by this section.

(1) Sellers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of luggage or similar types of articles may collect a charge for the extension of credit on sales under this Regulation, not exceeding such charge in March 1942 on a similar sale on similar terms to the same class of purchaser. Sellers who did not so state and collect an additional charge may collect a charge for the extension of credit only on installment-plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the seller's closest competitor who made such a separately stated charge,

An installment-plan sale as used in the above paragraph means a sale where the unpaid balance is to be paid in installments over a period of either (1) six weeks or more from the date of sale in the case of weekly installments, or (2) eight weeks or more in the case of other than weekly installments.

(2) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately or which otherwise does not conform to this section, shall, for the purposes of this regulation, be considered to be part of the price charged for the article sold.

(3) No seller may require as a condition of sale that the purchaser must buy on credit.

Sec. 9. What retailers are to do about luggage which does not have tags attached.' (a) If you are a retailer, it is possible that you will receive luggage from manufacturers without tags, shipped to you prior to November 1, 1943, and from jobbers shipped to you prior to November 15, 1943. You may also have luggage in your place of business bought before October 16, 1943, which is not tagged. You may either continue to sell such luggage until November 30, 1943, using ceiling prices determined under the General Maximum Price Regulation2 or place tags on such luggage as set forth in paragraph (b) of this section and sell such items using ceiling prices listed on the tags.

(b) On or after November 30, 1943, if you are a retailer, you may not offer for sale, sell, or deliver any item of luggage unless a tag is attached to it as required by section 5 of this regulation. Every manufacturer is required to notify his customers of the retail ceiling price, stock or lot number, and size of all items of luggage made in accordance with WPB Order I-284, as amended, shipped by the manufacturer on and after July 1, 1943. All jobbers are required to pass such information on to retailers who purchased such luggage from them on and after July 1, 1943. You must place a tag containing this information on all the untagged luggage in your stock. You may not sell any item of luggage at retail for a price higher than that listed on the tag. The tag may not be removed until after delivery to the con-

If you are unable to obtain from your supplier the ceiling price for any untagged item of luggage, you should determine your ceiling price as follows:

(1) If you purchased the item of luggage directly from a manufacturer, multiply the price to you less the excise tax by 1.82, add the excise tax and adjust to the nearest \$.05.

(2) If you purchased the item from a jobber, multiply the jobber's price to you by 1.54 and adjust to the nearest \$.05.

If you have priced luggage in your inventories in the manner set forth in paragraph (b) (1) or (2) of this section, you must note the ceiling price determined under this section on the invoice which you are required to preserve by section 13 (b). In addition, you must attach a tag to each item of luggage which states the ceiling price so determined.

If the ceiling prices cannot be determined by any of the foregoing methods, or if you do not have invoices covering sales to you of the luggage, you must apply to your nearest District office of the Office of Price Administration for approval of a ceiling price. You may not sell the luggage until you have received authorization from the District Office. Upon receipt of the authorization, you must attach to the item a tag which contains a statement in the following form with the blanks properly filled in:

Retail ceiling price inclusive of federal excise tax _____ established by special OPA order.

Do not detach

You may then offer the item for sale at a price no higher than the retail celling price established by the order. The tag must be attached to the item at all times until after delivery to the consumer and may not be removed except by the consumer.

ARTICLE IV-JOBBERS' CEILING PRICE

SEC. 10. Ceiling prices for sales by jobbers of luggage with tags attached. If you are a jobber, you must determine your ceiling price for sales to retailers of any item of luggage to which a retail ceiling price tag has been attached by deducting 35 percent from the retail ceiling price. The price so arrived at is your ceiling price inclusive of federal excise tax.

The ceiling prices established for jobbers' sales by this section and by section 11 of this regulation are the ceiling prices for sales to any person for resale, including all sales by jobbers to jobbers, by retailers to jobbers, and by retailers to other retailers.

SEC. 11. What jobbers are to do about luggage which does not have tags attached. (a) If you are a jobber, it is possible that you will have untagged luggage in inventory on the effective date; it is also possible that you will receive luggage from manufacturers without tags shipped to you prior to November 1, 1943. You may either continue to sell such luggage until November 15, 1943, using celling prices determined under the General Maximum Price Regulation or place tags on such luggage as set forth in paragraph (b) of this section and sell such items using celling prices set by section 10 of this regulation for your sales.

(b) On and after November 15, 1943, you may not sell any luggage unless the tag is attached to it, as required by section 5 of this regulation. Every manusacturer is required to notify you of the retail ceiling prices, stock or lot numbers, and size of all items of lug-gage made in accordance with WPB Order L-284, as amended, which he shipped to you on and after July 1, 1943. You must place a tag containing this information on all the untagged luggage in your stock. If you are unable to obtain from your supplier the retail ceiling price for an untagged item of luggage, you must apply to your nearest district office of the Office of Price Administration for approval of a retail ceiling price for the luggage. From the retail ceiling price, you deduct 35 percent to determine your ceiling price. Before you sell any luggage for which a price has been approved in this fashion, you must attach a tag which contains a statement in the following form, with the blanks properly filled in:

Retail ceiling price, inclusive of federal excise tax _____ established by special OPA order.

Do not detach

ARTICLE V-MISCELLANEOUS

SEC. 12. Taxes. The retail ceiling prices established under this regulation include the federal excise tax. Any other tax upon the sale of any item of

luggage imposed by any statute or ordinance of any state or subdivision thereof may be collected in addition to the celling price, if it is separately stated.

SEC. 13. Sales slips, invoices, and receipts—(a) Retailers. If you are a retailer and if you have customarily given a customer a sales slip, receipt, or other similar evidence of purchase, you shall continue to do so. Upon request, regardless of previous custom, you shall give a receipt showing the date of purchase, your name and address, size and lot number of the item of luggage, the price paid, kind and amount of any additional charge, and the name and address of the customer.

(b) Manufacturers and wholesalers. If you are a manufacturer or wholesaler, regardless of any former practice, after the effective date of this regulation, you must furnish each purchaser of luggage with an invoice or other similar written evidence of purchase showing the date of purchase, your name and address, the size and lot number of each item of luggage, the price, and the name and address of the buyer. Such invoice shall be kept by every person who buys any item of luggage for resale, and the carbon copy shall be kept by every seller for inspection by the Office of Price Administration.

Sec. 14. Records to be kept by retailers. If you are a retailer selling luggage, you shall keep and make available for examination by the Office of Price Administration records of the same kind as you have customarily kept relating to the prices which you charged for luggage sold after the effective date of this regulation. In addition, you must keep all invoices which manufacturers and jobbers are required to give you under section 13 (b) of this regulation.

Sec. 15. Relation between this regulation and the General Maximum Price Regulation. The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which ceiling prices are established by this regulation. When used in this regulation, the terms "selling at retail" and "selling at wholesale" have the definitions given to them by § 1499.20, paragraphs (o) and (p), of the General Maximum Price Regulation.

Sec. 16. Licensing. The provisions of Licensing Order No. 1,2 licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 17. Exports. The maximum price at which you may export any item of luggage shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

²8 F.R. 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

^{*8} F.R. 13240.

⁴⁸ F.R. 4132, 5937, 7662, 9333.

SEC. 18. Petitions for amendment. Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 19. Enforcement and evasion-(a) Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Evasion. You must not evade any of the provisions of this regulation by any scheme or device, or by any practice which has the effect of getting a higher-than-ceiling price.

SEC. 20. Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states and the District of Columbia.

Effective date. Except as otherwise provided, this regulation shall become effective October 16, 1943.

Note: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of October 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-16614; Filed, October 11, 1943; 3:45 p. m.]

PART 1407-RATIONING OF FOOD AND FOOD . PRODUCTS

[RO 13,1 Amdt. 71]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 9.5 (d) (4) is amended by adding the following:

A person who has a ration bank account must enclose any ration coupons he has, for deposit, in sealed envelopes which are to be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. A person who does not have a ration bank account may use ration coupons without enclosing them in a sealed envelope.

2. Section 15.8 (a) is amended by deleting the last sentence, and adding the following:

However, ration coupons may be issued to a retailer who does not have, and is not required to have, a ration bank

This amendment shall become effective October 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125,7 F.R. 2719; E.O. 9280, 7 F.R. 101799 WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 11th day of October 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-16612; Filed, October 11, 1943; 3:45 p. m.]

PART 1407-RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,1 Amdt. 71]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 10.5 (e) (4) is amended by adding the following:

A person who has a ration bank account must enclose any ration coupons he has, for deposit, in sealed envelopes which are to be handled in all respects in accordance with the procedure described in General Ration Order 7 for the use of such envelopes. A person who does not have a ration bank account may use coupons without enclosing them in a sealed envelope.

2. Section 16.8 (a) is amended by de--leting the last sentence and adding the following:

However, ration coupons may be issued to an industrial consumer whether or not he has a ration bank account and to a retailer who does not have, and is not required to have, a ration bank account.

This amendment shall become effective October 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 11th day of October 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-16613; Filed, October 11, 1943; 3:45 p. m.]

PART 1411—COMPENSATORY ADJUSTMENT [Rev. Compensatory Adjustment Reg. 1]

WARTIME INCREASES IN THE COST OF TRANS+ PORTING COAL

Compensatory Adjustment Regulation No. 1 is redesignated Revised Compensatory Adjustment Regulation No. 1 and is revised and amended to read as follows:

§ 1411.1 Persons eligible to apply for compensatory adjustment. The following persons shall be eligible to apply for compensatory adjustment on account of wartime increases in the cost of transporting coal.

(a) Receivers of bituminous coal. Any person who (1) during the year 1941 normally received at a business establishment bituminous coal transshipped from Hampton Roads, via tidewater, to an unloading port on the Atlantic Coast north of and including New York Harbor, and (2) after May 18, 1942 is a receiver, at the same or equivalent business establishment, of bituminous coal the transportation cost of which exceeds the transportation cost in effect during the period December 15-31, 1941 (or the nearest earlier date on which such shipment was received).

Provided: That, an eligible receiver of bituminous coal who, during the year 1941, normally received a portion of his annual supply of bituminous coal by a method of transshipment other than by tidewater via Hampton Roads shall not be considered eligible to apply for compensatory adjustment to the extent he continues to receive such coal: Pro-vided further, That, a person who re-ceives bituminous coal after May 18, 1942 at a business establishment which, subsequent to the year 1941, has been converted from the burning of fuel oil to the burning of bituminous coal and establishes to the satisfaction of the Price Administrator that the location of his business establishment is such that the transshipment of bituminous coal from Hampton Roads, via tidewater, during the year 1941, would have involved lower transportation costs than from other points and by other methods shall however be considered eligible to apply for compensatory adjustment.

(b) Dealers in Pennsylvania. anthracite. Any dealer in Pennsylvania anthracite who (1) during the calendar year 1941 normally received, at a business establishment, Pennsylvania anthracito transshipped from New York Harbor or Philadelphia piers, via tidewater, to an unloading port on the Atlantic Coast north of and including Stamford, Connecticut and (2) after May 18, 1942, incurs a greater cost for rail or combined rail and water transportation of Pennsylvania anthracite to the same or equivalent business establishment.

§ 1411.2 Method of determining compensatory adjustment payments—(a) Receiver of bituminous coal—(1) Exdock receivers. In the case of ex-dock receivers of bituminous coal the amount of compensatory adjustment shall be the amount by which the transportation costs incurred by applicant, after May 18, 1942, as hereinafter defined, exceed the determined charge for ex-dock receivers, as set forth in the Bulletin of Standard Adjustments or any revision thereof or supplements thereto issued by the Office of Price Administration, subject to the limitations hereinafter imposed by paragraph (c) of this section.

(2) Other than ex-dock receivers. In the case of receivers of bituminous coal, other than ex-dock receivers, the amount of compensatory adjustment shall be the amount by which the transportation

^{*}Copies may be obtained from the Office

of Frice Administration.

18 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12548, 12560, 12312, 12693, 12446.

¹8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7261, 7455, 7491, 8357, 8540, 8614, 8840, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10511, 10665, 10763, 11080, 11513, 11754, 12548, 12549, 12296, 12560, 12403, 12749.

costs incurred by applicant, after May 18, 1942, as hereinafter defined, exceed the actual transportation costs incurred for the transshipment of bituminous coal via tidewater from Hampton Roads during the period December 15-31, 1941 (or the nearest earlier date on which such a shipment was received), subject to the -limitations hereinafter imposed by paragraph (c) of this section: Provided, That, where such transportation costs incurred by a dock operator during the period December 15-31, 1941 were abnormally and substantially higher, by reason of wartime shipping conditions, than the costs incurred during the same period by competitive dock operators for the same transportation, and the prices charged by the applicant during such period did not reflect his higher transportation costs the applicant may use the highest transportation costs incurred during the period December 15-31, 1941 by such competitive dock operator in lieu of the actual transportation costs incurred by him during said period.

(b) Dealers in Pennsylvania anthracite. In the case of a dealer in Pennsylvania anthracite, the amount of compensatory adjustment shall be the amount by which the cost incurred by him after May 18, 1942 for an all-rail or rail and water shipment of Pennsylvania anthracite exceeds the total of the water transportation cost incurred on the last cargo of Pennsylvania anthracite received by him in the year 1941 and the lowest published rail rate for the same size to the same destination in effect during said period, subject to the limitations hereinafter imposed by paragraph (c) of this section.

(c) Limitations on the amount of payable. compensatory adiustment Notwithstanding any provisions to the contrary contained in this regulation the amount of compensatory adjustment is limited in the following respects:

- (1) A person filing application for compensatory adjustment on the excess transportation costs of transporting bituminous coal by all-rail shipment to a point where the lowest published freight rate from the Pocahontas or New River Districts exceeds \$6.71 per gross ton must file a statement that bituminous coal shipped by other methods of transportation was not available, or otherwise establish such fact in such manner as may be required by the Price Administrator. If it is determined that other methods of transporting bituminous coal are available to applicant the amount of compensatory adjustment payable on such shipment shall be limited to the amount by which the Clearfield freight rate from Pennsylvania which is in effect at the time of shipment to the actual destination exceeds, (i) in the case of ex-dock receivers, the determined charge as set forth in the Bulletin of Standard Adjustments or any revision thereof or supplements thereto, or (ii) in the case of other than ex-dock receivers, the actual transportation costs incurred for transshipment of bituminous coal via tidewater as set forth in paragraph (a) (2) of this section.
- (2) In the case of an all-rail shipment of bituminous coal other than bitumi-

nous coal produced in District Nos. 7 and 8 established by the Bituminous Coal Division of the United States Department of the Interior and in effect on August 23, 1943 the amount of compensatory adjustment payable shall be limited to the amount by which the Clearfield freight rate from Pennsylvania, which is in effect at time of shipment, to the actual destination exceeds, (i) in the case of ex-dock receivers, the determined charge as set forth in the Bulletin of Standard Adjustments or any revision thereof or supplements thereto, or (ii) in the case of other than ex-dock receivers, the actual transportation costs incurred for transshipment of bituminous coal via tidewater as set forth in paragraph (a) (2) of this section.

(3) In all other cases the amount of compensatory adjustment payable on any application shall be limited to the difference between the delivered cost of the coal, exclusive of mine price increases since December 15-31, 1941, which is the basis of the application and the delivered cost of the same coal received by applicant during the period December 15-31, 1941, (or nearest earlier date on which such a shipment was received).

§ 1411.3 Recovery of over-payments. Notwithstanding any provision to the contrary contained in this regulation the Office of Price Administration reserves the right to re-audit any claim paid on the basis of any application filed. If the Office of Price Administration determines that an over-payment was made the paying agency shall recover from the applicant the amount of such overpayment.

§ 1411.4 Compliance with maximum price regulations. Notwithstanding any provision to the contrary contained in this regulation a person shall not be entitled to receive compensatory adjustment unless such person has complied with the provisions of maximum price regulations issued by the Office of Price Administration which are applicable to any commodity or service sold by such person.

§ 1411.5 Definitions. When used in this Revised Compensatory Adjustment Regulation No. 1, the term:
(a) "Ferson" includes: an individual;

a corporation; partnership; association or any other organized group of persons; the legal successor or representative of any of the foregoing; and the transferee of the business, assets or stock in trade of any such person. It shall not include railroads, the United States or any agency thereof, any other government or its political subdivisions, or any agency of the foregoing other than a municipally owned or operated utility plant for the production and distribution of gas or electricity.

(b) "Receiver" means the person receiving bituminous coal who first incurs the cost of transporting it from the mine or point of transshipment: Provided, That in the case of free alongside deliveries to a consumer which are subject to the provisions of Maximum Price Regulation No. 120, issued by the Office of Price Administration, and upon which the freight has initially been prepaid by the shipper, the consumer who first incurs the cost of transporting the bituminous coal and at whose business establishment the bituminous coal is first unloaded shall be the "receiver".

(c) "Dock operator" means any person engaged in the business of buying and selling coal who owns, leases or op-

erates dock facilities.

(d) "Eusiness establishment" includes a yard, dock or other facility used for the storage, distribution and sale of coal; a shop, factory or other industrial plant; a public utility; and a school, college, university, hospital or other institution unsupported by funds obtained from the Federal or State governments or any political subdivision thereof.

(e) "Same or equivalent business establishment" means the business establishment at which a person normally received coal during the calendar year 1941, or any addition thereto or extension thereof, or any new business establishment of the same nature, operated by such person, located in the same general area performing the same services and serving the same type of customers in substantially the same trading area as were nemally served by such person during the period December 15-31, 1941.

(f) "Ex-dock receiver" means a person who during the year 1941 purchased and received coal from a dock operator or from another person who purchased coal from a dock operator, and includes a converter from fuel oil to bituminous

coal having no dock facilities.

(g) "Other than ex-dock receivers" includes free along-side receiver and means a person who during the year 1941 normally purchased and received coal free along side at dock facilities owned, leased, or operated by him, and shall include a converter from fuel oil to bituminous coal having dock facilities and receiving oil free along side.

(h) "Transportation Costs" may include charges for the following to the extent incurred (except that the amount of any tax levied upon the transportation of coal is excluded therefrom).

(1) The lowest published rail rate from the mine to the point of trans-

shipment or discharge.

- (2) Vessel or barge rate from the point of transshipment to the point of discharge, but in no event to exceed the applicable maximum rate established by the Office of Price Administration.
 - (3) Insurance charges on cargo.

(4) Normal handling charges from vessel or barge to docks.

(5) Reasonable trucking charges from point of discharge from railroad cars to a yard or dock located in a municipality or area contiguous thereto without rail connections. Trucking charges shall be no more than the lowest common carrier rate for a similar haul. If no common carrier rate has been established the rate shall not exceed the applicable maximum rate established by the Office of Price Administration.

§ 1411.6 Applications for compensatory adjustment—(a) Place of filing. Applications pursuant to the provisions of Revised Compensatory Adjustment Regulation No. 1 shall be filed with the Compensatory Adjustment Section, Accounting Division, Office of Price Administration, Washington, D. C.

ministration, Washington, D. C.

(b) Time for filing. Applications relating to coal received during any particular calendar month shall be filed not later than the twentieth day of the third succeeding calendar month after the month in which such coal was received. For example, applications relating to receipts during the month of June, 1943 shall be filed not later than September 20, 1943.

(c) Extension of time. The Price Administrator may, upon proper showing of diligence, grant a reasonable extension of time for filing applications for

compensatory adjustment.

(d) Applications filed after expiration of time limit—Penalties imposed. In case of failure to file an application within the time limits specified in this section including any extension of time previously granted the amount of compensatory adjustment payable to applicant shall be 5 per cent less than the amount of compensatory adjustment determined to be due thereunder. Provided, that no compensatory adjustment shall be payable on applications filed more than six months after the month in which such coal was received.

(e) Form and contents of application. All applications for compensatory adjustment shall be filed in duplicate on forms provided by the Office of Price Administration, hereinafter described in Appendix A. Applications must be verifled and filed in accordance with the instructions set forth in said forms and all information and supporting documents required thereby must be supplied. A separate application shall be filed for each different business establishment and for each calendar month in which applicant received coal. Shipments in transit do not constitute receipts. In the event applicant received coal at a different business establishment than the one at which such coal was normally received during the calendar year 1941 a statement shall be attached to the application setting forth the reasons therefor, the location thereof and the type of customers served therefrom.

§ 1411.7 Applications to which applicable. The provisions of this revised regulation shall apply only to applications for compensatory adjustment relating to coal received during the month of July 1943 and subsequent months.

Appendix A—Description of forms to be used for filing application for com-

pensatory adjustment.

(a) OPA Accounting Division Form 342-98. Formal monthly application for adjustment in transportation costs on receipts of anthracite and bituminous coal.

- (b) OPA Accounting Division Form 342-100A. Monthly reporting form for description and method of transportation of Pennsylvania anthracite which is the basis of claim for compensatory adjustment.
- (c) OPA Accounting Division Form 342-100-2A. Monthly reporting form of costs used in determining the amount of compensatory adjustment on receipts of Pennsylvania anthracite.

(d) OPA Accounting Division Form 342-100B. Monthly reporting form for description and method of transportation of bituminous coal which is basis of claim for compensatory adjustment.

(e) OPA Accounting Division Form 342-100-2B. Monthly reporting form of costs used in determining the amount of compensatory adjustment on receipts of bituminous coal.

(f) OPA Accounting Division Form 342-101A. Statement of application to substantiate eligibility for compensatory adjustment on receipt of Pennsylvania anthracite.

(g) OPA Accounting Division Form 342-101B. Statement of applicant to substantiate eligibility for compensatory adjustment on receipts of bituminous coal.

Effective date. This Revised Compensatory Adjustment Regulation No. 1 shall become effective October 11, 1943.

NOTE: The reporting requirements of this Revised Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of October 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-16611; Filed, October 11, 1943; 3:44 p. m.]

PART 1435—NONFERROUS MILL AND MA-CHINE PRODUCTS

[MPR 377,1 Amdt. 1]

DIE CASTINGS

A statement of the condsiderations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation 377 is amended in the following respects:

1. Section 1 is amended by changing the period at the end thereof to a semicolon and adding after the semicolon the following:

and the report filed on or before October 15, 1943 must state dollar value of deliveries of die castings, including dies, during the period January 1, 1943 through September 30, 1943.

2. Section 32 is amended to read as follows:

SEC. 32. Quarterly report on dollar value of deliveries of die castings and dies by companies exempt under section 1 of Maximum Price Regulation No. 377.

OPA Form No. 677:224 Rev. Budget Bureau Approval No. 08-43349 Approval expires November 30, 1943

Office of Price Administration, Washington, D. C.

DIE CASTINGS

OPA Form 677:224 Rev.

Dollar value of deliveries of die castings and dies, by companies exempt under Sec. 1 of

¹8 F.R. 5746.

MPR 377—Report for calendar quarter ended September 30, 1943.

This form must be filed in the Washington Office of OPA on or before the 15th of October by any company exempt under section 1 of MPR 377. Any company with deliveries of less than \$100,000 of die castings (including dies) in the calendar year of 1942 is exempt from this regulation.

Name of company:_____Address: _____City and State:_____

Dollar value of deliveries in calendar quarter ended September 30, 1943:

Dollar value of deliveries in period January 1 through September 30, 1943:

(Signed) (Title)

This amendment shall become effective October 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of October 1943.

PRENTISS M. BROWN.

Administrator.

[F. R. Doc. 43-16606; Filed, October 11, 1943; 3:46 p. m.]

PART 1444—ICE BOXES [MPR 399, Amdt. 4]

NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 14, Table A, "Retail ceiling prices in each State for sales of ice boxes by ice companies and retail establishments controlled by ice companies," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer: Fleetwood Craftsmen, Inc. Brand, Fleetwood; Model, CI-3; Rated ice capacity, 50#; Retail base price, \$22.00.

State:	Price
State: Alabama	\$22,00
Arizona	23,75
Arkansas	22,00
California	24,50
Colorado	22,75
Connecticut	22,00
Delaware	22,00
District of Columbia	22,00
Florida	22,00
Georgia	22,00
Idaho	23.75
Illinois	22.00
Indiana	22,00
Towa	22.00
Kansas	22, 25
Kentucky	22,00
Louisiana	22, 25
Maine	22,00
Maryland	22,00
Massachusetts	22.00
Michigan	22, 00
Minnesota	22,00

¹⁷ F.R. 7448; 8 F.R. 9062, 11138, 11813.

^{*}Copies may be obtained from the Office of Price Administration.

State:	Price
Mississippi	
Missouri	
Montana	23, 75
Nebraska	22.75
Nevada	23.75
	22.00
New Hampshire	
New Jersey	22.00
New Mexico	23.50
New York	22.00
North Carolina	22.00
North Dakota	22.50
Ohio	22.00
Oklahoma	22.50
Oregon	24.75
Pennsylvania	22.00
Rhode Island	22.00
South Carolina	22.00
South Dakota	22.50
- Tennessee	22,00
Texas	22,75
Utah	23, 75
Vermont	22,00
Washington	24.50
West Virginia	22.00
Virginia	22.00
Wisconsin	22.00
Wyoming	22.75
1 ~	

2. Section 16, Table C, "Ceiling prices in each state for all other sales of ice boxes at retail," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer, Fleetwood Craftsmen, Inc. Brand. Fleetwood: Model, CI-3: Rated ice capacity, 50#; Retail base price, \$24.95.

sapacity, som, metall base price, 524.	35.
State:	Price
Alabama	\$26.25
Arizona	28.25
Arkansas	26.00
California	28.75
Colorado	27.00
Connecticut	25.50
Delaware	25. 50
District of Columbia	25. 50
11011ua	26.50
Georgia	26.25
Idaho	28.00
Illinois	26.00
Indiana	26.00
Iowa	26.25
Kansas	26. 50
Kentucky	26.00
Louisiana	26.75
Maine	25.75
Maryland	25. 50
Massachusetts	25.50
Michigan	26.00
Minnesota	26.50
Mississippi	26.50
Missouri	26.00
Montana	28.00
Nebraska	26. 50
Nevada	28.00
New Hampshire	25.75
New Mexico	25. 25
	27.75
New York North Carclina	25, 50 25, 75
North Dakota	26.75
Obio	25.75
OhioOklahoma	26. 75 26. 75
Oregon	29.00
Pennsylvania	25.50
Rhode Island	25.50
South Carolina	26.00
South Dakota	26.75
Tennessee	26. 25
Texas	27.00
Utah	28.00
Vermont	25. 50
Virginia	25, 50
Washington	
West Virginia	25.50
Wisconsin	26, 00
WISCORSIN	20.00

 $Wyoming_{-}$

This amendment shall become effective on the 16th day of October 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9323, 8 F.R. 4681)

Issued this 11th day of October 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-16605; Filed, October 11, 1943; 3:47 p. m.]

PART 1499-COMMODITIES AND SERVICES [Order 452 Under § 1499.3 (b) of GMPR. Amdt. 1]

WILBUR-SUCHARD CHOCOLATE COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

The text of § 1499.1690 (a) is amended to read as follows:

(a) On and after May 10, 1943, the Wilbur-Suchard Chocolate Company, Inc. may sell and deliver its product. trade name "Expeller Cake Powder" at the following maximum prices, f. o. b.

This amendment shall become effective this 11th day of October 1943:

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of October 1943.

PRENTISS M. BROWN. Administrator.

[F. R. Doc. 43-16603; Filed, October 11, 1943; 3:47 p. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Directive 70]

PART 1590-FOREIGN PETROLEUM **OPERATIONS**

FOREIGN OPERATIONS COMMITTEE

The shortage of petroleum industry materials and of vessels and facilities for the transportation of such materials and petroleum to areas outside the continental United States, Canada, Hawaii, and Alaska, has curtailed in those areas the development, production, refining, storage, supply and distribution of petroleum required for the armed forces of the United Nations and for essential industrial and civilian consumption. To the full extent of available materials and facilities, it is imperative that (a) requisite quantities and qualities of petroleum be developed, produced, refined, stored, and supplied for distribution; (b) available transportation facilities be utilized with maximum efficiency and unnecessary movement of petroleum be eliminated; and (c) petroleum be supplied and distributed equitably. Therefore, the following operating directive is deemed necessary for the prosecution of the war.

§ 1590.1 Petroleum Directive 70—(a) Definitions. (1) "Petroleum" means

27.00

crude petroleum, petroleum products of all kinds, and blending agents used in the manufacture of petroleum products, except those which the Administrator may exclude from the operation of this Directive.

(2) "Person" means any individual, partnership, association, business trust, corporation or organized group of persons whether incorporated or not.

(3) "Administrator" means the Petro-leum Administrator for War or the Deputy Petroleum Administrator for

(4) "Director" means any Director or Associate Director of the Foreign Division of the Petroleum Administration for War.

(5) "Foreign country or area" means any country or area outside the continental United States, Canada, Hawaii, and Alaska which is wholly or partially dependent upon ocean transportation for petroleum supplies and which is not at the time occupied or controlled by the

enemy.
(6) "Importer" means any person other than an enemy who, by reason of having facilities available for the recelpt, handling and dispensing of petroleum, is in a position to engage in importing petroleum into any foreign country or area as principal, by agent, affiliate, or subsidiary.

(7) "Supplier" means any person who, by reason of having sufficient quantities of petroleum of required quality available at the nearest source of supply to any foreign country or area, either by original ownership or by acquisition through purchase, exchange or otherwise, is in a position to engage in exporting petroleum to such country or area as principal, by agent, affiliate, or subsidi-

(8) "Foreign supply" means that quantity of petroleum which, as a result of restrictions upon tanker tonnage or dry cargo space, the appropriate authorities have allotted for shipment or permitted to be shipped to a specified foreign country or area.

(9) "Allocation" means that process of allotment whereby the total foreign supply, product by product, shipped to a specified foreign country or area, is divided equitably among importers or sup-

pliers, as the case may be.
(b) Organization and membership of Foreign Operations Committee and its committees. (1) The Foreign Operations Committee, heretofore established by the Petroleum Coordinator for National Defense (hereinafter referred to as Coordinator), the Executive Committee of the Foreign Operations Committee, heretofore appointed from its membership by the Foreign Operations Committee with the approval of the Coordinator, and the other committees of the Foreign Operations Committee, heretofore appointed by the latter with the approval of the Coordinator or the Administrator, shall continue in existence with their present membership.

(2) The Petroleum Supply Committee for Latin America, heretofore established by the Coordinator, shall continue in existence with its present membership, and is hereby made a committee of the Foreign Operations Committee.

- (3) Subject to the approval of the Administrator, the Foreign Operations Committee may dissolve any of its committees, appoint additional committees, and may delegate to them any of its duties and functions under this directive. The Foreign Operations Committee or any of its committees may, without the necessity of prior approval by the Administrator, appoint temporary committees for making investigations and reports on specific problems, but such committees shall be dissolved upon the conclusion of the particular undertaking. References herein made to committees of the Foreign Operations Committee shall include all necessary or requisite subcommittees.
- (4) Vacancies in the Foreign Operations Committee shall be filled by the Administrator, and vacancies in the membership of the Executive Committee of the Foreign Operations Committee shall be filled from its members by the Foreign Operations Committee, with the approval of the Administrator. Vacancies in the membership of the other committees of the Foreign Operations committee shall be filled by the Foreign Operations Committee, with the approval of the Director.
- (5) Minutes shall be kept of all meetings of the Foreign Operations Committee, of the Executive Committee, and of the other committees, and copies thereof shall be sent to the Administrator and
- (6) The Foreign Operations Committee and its committees shall maintain such staff and appoint such persons as may be necessary or requisite to discharge the responsibilities, duties and functions under this Directive. Operating expenses of all such committees shall be met from a fund to which voluntary contributions may be made by persons engaged in the petroleum industry and such funds may be solicited by the Foreign Operations Committee.

(c) Duties and functions of the Foreign Operations Committee. The Foreign Operations Committee, by appropriate action to be taken either within or outside the United States, is authorized:

(1) To consider and recommend to the Administrator any action to promote the purposes of this directive, including, but not limited to, the joint use of facilities, the allocation of petroleum, and the taking of cooperative action in connection with the production, refining, transportation, storage, supply and distribution of petroleum in foreign countries or areas:

(2) To take any action and perform any function and duty that may be authorized by this directive or by any plans or schedules approved hereby or hereunder, or that may be requested by the Administrator pursuant to said direc-

tive, plans or schedules;

(3) To make surveys and investigations of and to obtain, analyze, and keep current such pertinent and available facts, figures, and other data with respect to the foreign petroleum industry and the production, refining, transporta-

-tion, storage, supply and distribution of petroleum in foreign countries or areas. In this connection, the committee may:

(i) Direct such inquiries and questionnaires to such companies, organizations, or persons, foreign or domestic, as may be necessary or appropriate;

(ii) Ask and receive assistance from any company, organization or person, foreign or domestic;

(iii) Afford any interested person opportunity to present his views;

(iv) Consult with any of the committees or subcommittees acting under the authority of the Administrator and with any appropriate representative of the Administrator:

(v) Make available to persons authorized by the Director to receive the same, the results of surveys, investigations, and analyses and other information and data

acquired hereunder:

(4) To recommend to the Administrator plans for the equitable sharing of losses occasioned by destruction or damage to petroleum stored or in transit pursuant to action under this directive, and plans for the sharing of unequal burdens or differences in freight, insurance, and other costs resulting from handling, shipping, and distributing petroleum from joint facilities pursuant to this directive.

(d) Duties and functions of the Executive Committee and other committees of the Foreign Operations Committee. (1) The Executive Committee of the Foreign Operations Committee shall perform all the duties and functions of the Foreign Operations Committee when the

latter is not in session:

(2) The Petroleum Supply Committee for Latin America and the other committees of the Foreign Operations Committee shall perform the duties and functions which have been delegated to them under Plans 14, 24, 25, and 26 heretofore approved under Recommendations 9 and 38, or which may be delegated to them by the Foreign Operations Committee, pursuant to this directive or any plan or schedule approved hereunder or hereby.

(e) Use of facilities, materials, and supplies. Without limitation upon the authority elsewhere conferred by this directive or by any plan or schedule approved hereunder or hereby, the Foreign Operations Committee and the committees thereof, and all persons affected by this directive, subject to the approval of the Director, shall:

(1) Arrange so to utilize available tanker and cargo vessel capacity and other facilities, without regard to individual ownership or control thereof, as to transport petroleum from points of supply nearest the areas or countries to be supplied, and in such manner as to avoid multiple port loading and discharging, cross-hauling, and unnecessary ballast voyages, except as directed or approved by an appropriate governmental authority, taking into account the quantity and quality of products to be

supplied: (2) Arrange so to utilize, without regard to ownership or control thereof, barge, terminal, storage, refining, blending, dispensing, and other facilities,

plants, and equipment, wherever situ-

ated, to accomplish the most efficient wartime utilization of such facilities, including reducing to a minimum idle time in port and the splitting of cargoes between two or more ports of discharge.

(3) Arrange for the purchase, sale, exchange, and loan of petroleum between and among suppliers and importers, and other persons engaged in the production, refining, purchase, sale, supply or distribution of petroleum in or to foreign countries or areas to accomplish the objectives of this directive.

In cases of an emergency character requiring immediate action, the Foreign Operations Committee and the committees thereof may take any action authorized in this paragraph without the prior approval of the Director: Provided, That a full report of any such action shall be submitted immediately to such Director. who shall pomptly notify the appopriate committee of his approval or disapproval thereof. In the event that the Director disapproves, after notice of such disapproval, the Foreign Operations Committee, the committees thereof and all persons concerned shall immediately discontinue the acts and practices thus disapproved.

and import allocation (f) Supply schedules. For the purpose of furthering the war effort by conserving and efficiently utilizing transportation facilities, the Foreign Operations Committee or any committee thereof, subject to the supervision of the Director, shall:

(1) Investigate and determine the petroleum requirements (product by product) of each foreign country or area to be supplied, and within the limits of foreign supply, shall prepare and submit to the Director in accordance with the provisions of paragraph (j) adequate and detailed supply and import allocation schedules for each such country or The foreign supply shall be allocated equitably among the suppliers and importers in such area or country;

(2) Prepare, when requested by the Director, adequate and detailed supply and import allocation schedules covering the importation of petroleum into the United States and shall submit such schedules to the Director in accordance with the provisions of paragraph (j);

(3) With the approval of the Director, equitably adjust among suppliers or importers differences between estimates and actual supplies of petroleum allocated and shipped in conformity with schedules issued in accordance with the

provisions of paragraph (j).

(g) Allotment of vessels. The Director shall arrange with the War Shipping Administration for vessel tonnage which is available to carry out approved schedules. In submitting these schedules, the Foreign Operations Committee and its committees will endeavor to arrange for the maintenance of adequate stocks of petroleum in all countries and areas, so as to assure equitable treatment to all, and primary consideration shall always be given to maintaining adequate stocks of petroleum for military use. Allotments and routings of vessel ton nage for the transportation of petroleum will be made only as directed by the proper governmental authorities.

(h) Coordination and cooperation. In carrying out the provisions and purposes of this directive, the Foreign Operations Committee, its committees, and all persons affected by this directive, shall coordinate their activities with the British Overseas Supply Committee and Ministry of War Transport, and with such other appropriate committees or agencies as may be established or approved by the Government of the United States, or of any of its allies or friendly nations. They shall cooperate, with each other and with other persons, and with the appropriate agencies and committees of the Government of the United States, its allies and other friendly nations for the purpose of meeting adequately and expeditiously in the manner provided in this directive and petroleum needs, in foreign countries or areas, of the armed forces, the war industry, and essential civilian requirements of the United States and its allies, and such other friendly nations.

(i) Plans. (1) The Foreign Operations Committee, or any committee thereof, may prepare and submit to the Administrator from time to time such plans as it shall deem appropriate to effectuate the purposes and objectives of this directive;

(2) Plans 14, 24, 25, and 26 heretofore approved under Recommendations 9 and 38 and existing schedules properly adopted under said Plans, shall continue in full force and effect until they are revoked or amended by the Administrator.

(j) Effectuation of plans and sched-· ules. All plans authorized to be prepared and submitted pursuant to paragraph (i) (1) and all suggested schedules shall, after such modification or revision as the Director shall determine to be necessary to accomplish the objectives of this directive, be transmitted to the Chief Counsel of the Petroleum Administration for War. 'No such plan or schedule shall become effective until it has been approved by the said Chief Counsel and issued by the Petroleum Administrator for War or the Deputy Petroleum Administrator, and, in the case of plans, certified by the Chairman of the War Production Board in accordance with the provisions of section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress. Upon the issuance of any such schedule or plan, copies thereof shall be forwarded to the appropriate committees and subcommittees and to all persons named therein, and all committees, subcommittees, and persons who may be affected by such schedule or plan shall carry into effect such schedule or plan according to its terms, conditions, and intent.

(k) Appeals. Any person affected by this directive, or by any schedule or plan provided for herein, who considers that compliance therewith will work an exceptional and unreasonable hardship upon him, may appeal to the Director, setting forth the pertinent facts and the reasons why he considers himself entitled to relief, and the Director shall act promptly upon such appeal and render a decision thereon within a period of fifteen (15) days. If dissatisfied with the decision of the Director, such person may appeal, within fifteen (15) days after receipt of notice of the Director's decision. to the Administrator or such representative as he may designate.

(1) Recommendations 2, 9, and 38 superseded and revoked. Heretofore, matters relating to the production, refining, transportation, storage, purchase, sale, and supply and distribution of petroleum in foreign countries or areas, have been conducted under and by virtue of Recommendations Nos. 2, 9, and 38, and the activities of the Petroleum Supply Committee for Latin America, the Foreign Operations Committee and its committees, have been conducted pursuant to said Recommendations and Plans 14, 24, 25, and 26 approved thereunder. Inasmuch as this directive and said plans now cover all of such activities as herein set forth, Recommendations Nos. 2, 9, and 38 are hereby superseded and therefore revoked, and said committees and the persons cooperating or working with said committees shall from the effective date hereof continue their activities in conformity with this directive and with said Plans 14, 24, 25, and 26 as aforesaid.

This directive shall not be construed as directing or requiring the Foreign Operations Committee, its committees or any supplier or importer or other person affected hereby, to take any action which would conflict with any applicable laws or regulations of any foreign country, or political subdivision thereof.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued this 24th day of September 1943. HAROLD L. ICKES,

Petroleum Administrator for War.

[F. R. Doc. 43-16649; Filed, October 12, 1943; 11:44 a. m.]

TITLE 38-PENSIONS, BONUSES AND **VETERANS' RELIEF**

Chapter I-Veterans' Administration

PART 35-VETERANS' REGULATIONS

HOSPITAL TREATMENT OF CERTAIN VETERANS

Instruction No. 3, section 13, Public No. 144, 78th Congress (Act of July 13, 1943). Hospital treatment in a Veterans Administration facility or other Government or State institution of persons whose rate of pension is protected by paragraph (d), section 13, Public No. 144, 78th Congress.

For the purposes of section 13, Public No. 144, 78th Congress, the following in-

struction is hereby issued:

5. Paragraph 1, Instruction No. 2, issued pursuant to section 13, Public No. 144, 78th Congress, is amended by inserting the words "be subject to the foregoing limitations but shall" in the first part of the second sentence of § 35.06 (f) (2), as amended. The sentence as amended reads as follows:

(2) * * * Any such veteran without such dependent or dependents, when maintained at his own expense in an institution, shall be subject to the foregoing limitations but shall be paid such amount otherwise payable as equals the amount charged for his care and maintenance in such institution not exceeding the amount the Administrator of Veterans' Affairs determines to be the charge as fixed by any applicable statute or valid administrative regulation: Provided further,

(Pub. Law 144, 78th Cong.)

[SEAL]

FRANK T. HIMES. Administrator.

OCTOBER 7, 1943.

[P. R. Doc. 43-16817; Filed, October 11, 1943 4:13 p. m.]

TITLE 49-TRANSPORTATION AND RAILROADS

Chapter I-Interstate Commerce Commission

Subchapter A-General Rules and Regulations [Service Order 123-A]

PART 95—CAR SERVICE

REICING OF REFRIGERATOR CARS OF POTATOES

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 123 (8 F.R. 6481) of May 14, 1943, as amended, (8 F.R. 6741, 9230), and good cause appearing therefor; It is ordered, That:

Section 95.307 Refrigerator cars, as amended, be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)

It is further ordered, That this order shall become effective at 12:01 A. M., October 9, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per dlem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3. [SEAL] W. P. BARTEL,

[F. R. Doc. 43-16621; Filed, October 12, 1943; 10:52 a. m.]

Secretary.

[Service Order 126-A]

PART 95-CAR SERVICE

REICHIG OF REFRIGERATOR CARS OF POTATOES

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D., 1943.

²8 F.R. 12099.

Upon further consideration of the provisions of Service Order No. 126 (8 F.R. 7285) of May 29, 1943, as amended (8 F.R. 7728, 8082, 9033, 11089), and good cause appearing therefor; It is ordered, That:

Section 95.308 Refrigerator cars, as amended, be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 A. M., October 9, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.
[SEAL] W. P. BARTEL,

[F. R. Doc. 43-16622; Filed, October 12, 1943; 10:52 a. m.]

Secretary.

[Service Order 145-A]

PART 95—CAR SERVICE

ICING RESTRICTION ON WESTERN POTATOES

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 145 (8 FR. 11089) of August 7, 1943, as amended (8 F.R. 11487, 13025, 13517), and good cause appearing therefor; It is ordered, That:

Section 95.316 Western potatoes, as amended, be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 A. M., October 9, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement upon the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.
[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-16623; Filed, October 12, 1943; 10:52 a. m.]

[Service Order 147-A]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON FRUITS AND VEGE-TABLES FROM WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 147 (8 F.R. 11390) of August 13, 1943, as amended (8 F.R. 12518, 12571), and good cause appearing therefor; It is ordered, That:

Section 95.317 Icing restrictions on fruits and vegetables from western States, as amended, be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a.m. October 9, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.
[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-16624; Filed, October 12, 1943; 10:52 a. m.]

[Service Order 149-A]

PART 95-CAR SERVICE

REICING POTATOES IN COLORADO OR UTAH
PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 149 (8 F.R. 11852) of August 24, 1943, as amended (8 F.R. 12101), and good cause appearing therefor; It is ordered, That:

Section 95.318 Reicing potatoes in Colorado or Utah prohibited, as amended, be, and it is hereby, vacated and set aside. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., October 9, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.
[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-16625; Filed, October 12, 1943; 10;52 a. m.]

Notices

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 6553]

CHARLES EDWARD STUART ORDER FOR INVESTIGATION

In re application of Charles Edward Stuart, Ventura, California, for a construction permit for a point-to-point radiotelegraph station.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of October, 1943;

The Commission having under consideration the above-entitled application; and

It appearing that it is desirable to obtain information concerning certain matters relating to the applicant and the said application prior to formal consideration of the same:

It is ordered, That an investigation be, and the same is hereby, instituted to ascertain the following matters:

- 1. The nature and extent of the communications service now rendered and hereafter proposed to be rendered by applicant:
- 2. The financial and technical qualifications of the application with respect to the rendition of the proposed communications service;
- 3. The adequacy of existing facilities and services for the rendition of the same or similar communications service as that offered and proposed by the applicant;
- 4. The desirability of applicant's existing and proposed service insofar as the same relates to the needs of any United States or Chinese government authority;
- 5. What frequencies applicant proposes to use and whether the same will avoid interference with existing government and commercial services;
- 6. Any facts which might warrant special assignment of frequencies for applicant's proposed communications service;
- 7. The desirability of authorizing a contact control channel for use solely in connection with the receipt and delivery of private and public correspondence;
- 8. All facts bearing upon the status of the applicant as a common carrier as defined in the Communications Act of 1934, as amended, with respect to present and proposed communications service:

and such other matters as may appear

appropriate and material;

It is further ordered, That John P. Hearne be, and he is hereby, authorized to sign and issue subpoenas, administer oaths, and examine witnesses, on behalf of the Commission, for the purpose of taking such testimony and receiving such depositions as may appear necessary or relevant to effectuate the purposes of this investigation.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 43-16642; Filed, October 12, 1943; 11:19 a. m.]

OFFICE OF ALIEN PROPERTY CUS-TODIAN.

[Vesting Order 2193]

SIEMENS AND HALSKE A. G., ET AL.

Re: Interests of Siemens & Halske .A. G., Heraeus-Vacuumschmelze A. G., and Alfred Stock, in a contract relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Siemens & Halske A. G. and Heraeus-Vacuumschmelze A. G. are corporations organized under the laws of and having their principal places of business in Germany and each of them is a national of a foreign country (Germany);

2. That Alfred-Stock is a citizen and resident of Germany and is a national of a

foreign country (Germany);

3. That the property identified in sub-paragraph 4 hereof is property of Siemens & Halske A. G., Heraeus-Vacuumschmelze A. G. and Alfred Stock;

4. That the property described as follows:

Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of

Executive Order No. 9095, as amended. Executed at Washington, D. C., on September 16, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

All interests and rights (including all accrued royalties and other monles payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Slemens & Halske A. G., Heraeus-Vacuumschmelze A. G. and Alfred Stock, and each of them, by virtue of an agreement dated January 16, 1934 (including all modifications of and supplements to such agreement, including, but without limitation,

(a) Modification agreement dated December 3 and 22, 1938, effective January 1, 1939, affecting par. 10 of said agreement;

(b) A letter from Siemens & Holeke A. G. to The Beryllium Corporation, dated January

19. 1934:

(c) A letter from Heraeus-Vacuumschmelze A. G. to The Beryllium Corporation, dated January 25, 1934, relating to the Schedules annexed to said agreement; and

(d) A letter from Heraeus-Vacuumschmelze A. G. to The Beryllium Corporation, dated

January 25, 1934;)

by and between The Beryllium Corporation, Siemens & Halske A. G., and Heraeus-Vac-uumschmelze A. G. relating among others to Patent No. 2,029,724, dated February 4, 1936, inventor Wilhelm Kroll, for Nitrided Steel and Process for Its Production.

[F. R. Doc. 43-16627; Filed October 12, 1943; 10:58 a.m.]

[Vesting Order 2259]

AMBI-BUDD PRESSWERK G. M. B. H., ET AL.

Re: Interest of Ambi-Budd Presswerk G. m. b. H., in a contract with Edward G. Budd Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ambi-Budd Presswerk G. m. b. H., is a company organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Ambi-Budd Presswerk G. m. b. H.;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ambi-Budd Presswerk G. m. b. H., by virtue of an agreement

dated March 17, 1926 (including all modifications thereof and supplements thereto, if any) by and between Edward G. Budd Manufacturing Company and Ambi-Budd Precowerk G. m. b. H., which agreement relates, among other things, to United States Letters Patent No. 2,053,181,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doc. 43-16823; Filed, October 12, 1943; 10:53 a. m.]

[Vesting Order 2260]

I. G. FARBENINDUSTRIE AKTIENGESELL-SCHAFT

Re: Interest of I. G. Farbenindustrie Aktiengesellschaft in an agreement with Shell Development Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellshaft is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in sub-paragraph 3 hereof is property of I. G. Farben-industrio Aktiengeselleschaft;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farben-industrie Aktiengesellschaft by virtue of an agreement dated August 17, 1938 (including all modifications thereof or supplements thereto, if any) by and between I. G. Far-benindustrie Aktiengesellschaft and Shell Development Company, relating to Patent Number 2,152,003.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated

enemy country" as used herein shall have the meanings prescribed in section 10 of

Executive Order No. 9095, as amended. Executed at Washington, D. C., on September 22, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-16629; Filed, October 12, 1943; 10:58 a, m.]

> [Vesting Order 2261] JOSEPH AUDY, ET AL.

Re: Interests of Joseph Audy, Eugene Lavoux and Daniel Dreiss in an Agreement with Mine Safety Appliances Com-

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

- 1. That Daniel Dreiss, Eugene Lavoux and Joseph Audy are residents of France and are nationals of a foreign country (France);
- 2. That the property identified in sub-paragraph 4a hereof is property of Daniel Dreise Dreiss:
- 3. That the property identified in subparagraph 4b hereof is property of Daniel Dreiss and/or Eugene Lavoux and/or Joseph
- 4. That the property described as follows:
 (a) Property identified in Exhibit A at-
- tached hereto and made a part hereof,
 (b) Property identified in Exhibit B attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated. sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date. hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date, Inventor and Title

2,210,397, 8-6-40, Daniel Dreiss, Large surface filter for all fluids.

Exhibit B

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and

all damages for breach of the agreement hereinafter described, together with the right to sue therefor) oreated in Joseph Audy and/or Eugene Layoux and/or Daniel Dreiss by virtue of an agreement dated October 6, 1938 (including all amendments thereof and supplements thereto, if any) by and between Joseph Audy and Mine Safety Appliances Company, which agreement relates, among other things, to United States Letters Patent No. 2,210,397.

[F. R. Doc. 43-16630; Filed, October 12, 1943; 10:58 a. m.]

[Vesting Order 2262]

N. V. NECKAR WATERREINIGER MAATSCHAPPIJ, ET AL.

Re: United States patents owned by German inventors; interests of N. V. Neckar Waterreiniger Maatschappij and Phillip Muller G. m. b. H. in contracts relating to patents, between them and William Braat, Neckar Water Softener Corporation and Petree & Dorr Engineers, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Julius Ostertag and Moritz Bauer are residents of Germany and are nationals

of a foreign country (Germany);
2. That N. V. Neckar Waterreiniger Maatschappij is a company organized under the laws of Netherlands and is a national of a foreign country (Netherlands);

3. That Phillip Muller G. m. b. H. is a company organized under the laws of Germany and is a national of a foreign country (Germany):

4. That the property described in subparagraph 6a hereof is property of Julius Ostertag

and Moritz Bauer;
5. That the property described in subparagraphs 6b and 6c hereof is property of N. V. Neckar Waterreiniger Maatschappij and Phillip Muller G. m. b. H.;
6. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor, and

1,657,443, 1-24-28, Julius Ostertag, Stutt-gart, Germany, Process for Proventing the Formation of Incrustation or Scale in Boll-

ers Caused by Salts of Silicic Acid. 1,700,714, 1-29-29, Julius Ostertag, Stutt-

gart, Germany, Method of Removing Easily Soluble Salts from Boiler Feed Water. 1,700,716, 1-29-29, Julius Ostertag, Stutt-gart, Germany, Method of Clearing and Purifying Water for Steam Boilers of all Kinds.

1,737,448, 11-26-29, Moritz Bauer, Stuttgart, Germany, Method of Working for the Cleaning of Boiler Feeding Water. 1,883,856, 10-18-32, Julius Ostertag, Stutt-

gart, Germany, Water Purification for Locomotives.

1,853,087, 4-3-34, Julius Ostertag, Stuttgart, Germany, Marine Power Plant.

2,018,803, 10-29-35, Julius Ostertag, Stuttgart Wurttenberg, Germany, Marine Power Plant Apparatus.

Re. 20,105, 9-8-36, Julius Ostertag, Stuttgart, Germany, Purification System for Boll(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in N. V. Neckar Water-reiniger Maatschappij and Phillip Muller G.m.b.H., and each of them, by virtue of an agreement dated July 13, 1925 (including all modification thereof, and supplements thereto, including, but without limitation, an agreement dated October 6, 1928, by and between said N. V. Neckar Waterreiniger Maatschappij and Phillip Muller G.b.m.H. and Neckar Water Softener Corporation, and an agreement dated February 3, 1932, by and between The Neckar Company, Inc., and N. V. Neckar Waterreiniger Maatschappij Phillip Muller G.m.b.H. and William Braat, which agreement relates, among other things, to United States Patent No. 1,657,443,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in N. V. Neckar Water-reiniger Maatschappij and Phillip Muller G.m.b.H and each of them, by virtue of an agreement entered into in December 1939 (including all modifications of and supplements to said agreement, if any) by and between N. V. Neckar Waterreiniger Maatschappij and Petree & Dorr Engineers, Inc., which agreement is evidenced by two radiograms dated December 14, and 15, 1939 respectively, and relates among other things, to United States Patent No. 1,657,443,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Germany and Netherlands);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

ance of any such claim.
The terms "national" and "designated enemy ccuntry" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended. Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Allen Property Custodian.

[F. R. Doc. 43-16631; Filed, October 12, 1943; 10:58 a. m.]

[Vesting Order 2263]

Boehme Fettchemie, G. m. b. H., et al.

R2: Interests of Boehme Fettchemie, G. m. b. H. in contracts with General Aniline Works, Inc. and Imperial Chemical Industries, Limited and Patent No. 2,254,965.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Patchem A. G. zur Beteiligung am Patenten und Sonstigen Erfindungsrechten auf Chemische Verfahren and Boehme Fettchemie, G. m. b. H. are corporations organized under the laws of and having their principal places of business in Switzerland and Germany, respectively, and are nationals of foreign countries (Switzerland and Germany, respectively):

many, respectively);
2. That the property described in subparagraph 4a hereof is property of Patchem A. G. zur Beteiligung am Patenten und Sonstigen Erfindungsrechten auf Chemische Verfahren;

3. That the property described in subparagraphs 4b and 4c hereof is property of Boehme Fettchemie, G. m. b. H:

4. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent;

Patent Number, Date, Inventor and Title

2,254,965, 8-2-41, Walter Kling, Ernst Goette, Kurt Helde, and Herbert Gerstner, Process for the Dyeing of Fibrous Materials.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, tegether with the right to sue therefor) created in Bochme Fettchemie, G. m. b. H. by virtue of a contract dated June 10, 1939 (including all modifications thereof and supplements thereto, if any) by and between Bochme Fettchemie, G. m. b. H. and General Aniline Works, Inc., a Delaware corporation, which contract relates, among other things, to Patent No. 2,254,865,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the contract hereinafter described, together with the right to sue therefor) created in Boehme Fettchemie, G. m. b. H. by virtue of a contract dated June 12, 1939 (including all modifications thereof and supplements thereto, if any) by and between Boehme Fettchemie, G. m. b. H., Imperial Chemical Industries Limited, a British corporation, and which contract relates, among other things, to Patent No. 2,254,865,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Switzerland and Germany); and determining:

5. That Patchem A. G. zur Beteiligung am Patchten und So stigen Erfindungsrechten auf Chemische Verfahren is acting for or on behalf of Boehme Fettchemie, G. m. b. H.,

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary

and is a national of a foreign country (Ger-

in the national interest,
Hereby vests in the Alien Property
Custodian the property described above,
to be held, used, administered, liquidated, sold or otherwise dealt with in
the interest and for the benefit of the
United States.

Such proparty and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL]

Leo T. Crowley, Alien Property Custodian.

[F. R. Doc. 43-16532; Filed, October 12, 1943; 10:53 a. m.]

[Vesting Order 2264]

I. G. FARBEIJINDUSTRIE AKTIENGESELL-SCHAFT

Re: Interests of I. G. Farbenindustrie Aktiengesellschaft in an agreement with E. I. Du Pont de Nemours & Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustrie Aktiengazellachaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of I. G. Farbenindustrie Aktiengesellschaft; 3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated November 1, 1940 (including all modifications thereof, and supplements thereto, if any) by and between said I. G. Farbenindustrie Aktiengesellschaft and I. Du Pont de Nemours & Company, which agreement relates, among others, to Patent No. 1,901,007.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowances of any such claim.

right to allowances of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-16633; Filed, October 12, 1943; 10:59 a. m.]

[Vesting Order 2265]

Henri Longepierre and Maurice Jean Gay

Re: Patent applications of Henri Longepierre and Maurice Jean Gay, residents of France.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That each individual to whom reference is made in the column headed "Owner-Inventor" in subparagraph 3 hereof is a citizen and resident and is a national of a foreign country (France);

2. That the patent applications identified in subparagraph 3 hereof are property of the individuals whose names appear in the column headed "Owner-Inventor" after the respective numbers thereof in said subparagraph 3;

3. That the property described as follows: The patent applications identified as follows:

Serial Number, Date, Owner-Inventor and Title

496,273, 7-27-43, H. Longepierre, raising device for landing undercarriages.

496,285, 7-27-43, M. J. Gay, circuit breakers with blowing devices.

is property of nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16634; Filed, October 12, 1943; 10:59 a. m.]

[Vesting Order 2266]

E. I. DU PONT DE NEMOURS & CO. AND I .G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

Re: Two agreements between E. I. Du Pont de Nemours & Company and I. G. Farbenindustrie Aktiengesellschaft relating to certain patents. Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That I. G. Farbenindustric Aktiengesellschaft is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

foreign country (Germany);
2. That the property described in sub-paragraph 3 hereof is the property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property described as follows:

Property described in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary incthe national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL]

Leo T. Crowley, Alien Property Custodian.

Ехнинт А

(a) All interests and rights (including all royalties and other monies payable or hold with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbonindustric Aktiengesellschaft by virtue of an agreement dated May 16, 1933 (including all modifications thereof and supplements theretoif any) by and between I. G. Farbonindustric Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates

among other things to United States Letters

Patent No. 1, 934,433 and 1,735,407,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in L. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement dated May 16, 1933 (including all modifications therefor and supplements thereto, if any) by and between L. G. Farbenindustrie Aktiengesellschaft and E. I. Du Pont de Nemours & Company, which agreement relates among other things to United States Letters Patent No. 1,675,366 and 1,951,520.

[F. R. Doc. 43-16635; Filed, October 12, 1943; 10:59 a. m]

[Divesting Order 8]

PATENT APPLICATION OF WILLIAM KROLL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on November 2, 1942, vested, by Vesting Order No. 296, as property in which a national or nationals of a foreign country (Luxembourg) had interests, the property identified as follows:

Patent application identified as follows:

Serial Number, Filing Date, Inventor, and Title

322,931, 3-8-40, William Kroll, Bimetallic Elements and Alloys Useful Therein.

 2. Having determined, before issuing said Vesting Order No. 296, that William Kroll was a resident of Luxembourg and was a national of a foreign country (Luxembourg):

of a foreign country (Luxembourg):
3. Having thereafter received an executed claim by or on behalf of William Kroll, residing at Niagara Falls, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant.

the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a

designated enemy country; 6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact:

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in

any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken

all action required by law; and

Determining that under the aforecald circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforecald property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C. August 19, 1943.

[SEAL]

Leo T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-16636; Filed, October 12, 1943; 10:59 a. m.]

[Divesting Order 20]

PATENT OF PAUL E. HAWKINSON COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on May 29, 1942, vested, by Vesting Order No. 13 as the property of a National or Nationals of a Foreign Country designated in Executive Order No. 8389, as amended, as defined therein, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,232,001, 2-18-41, P. Hawkinson, method of treading tire casings.

2. Having determined, before issuing said Vesting Order No. 13, that the cald property was property of Fides Gesellschaft fur die Verwaltung und Verwertung von Gewerblichen, and that Fides Gesellschaft fur die Verwaltung und Verwertung von Gewerblichen was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having intended by cald Vesting Order

3. Having intended by cald Vesting Order No. 13 to vest patent number 2,242,042, which stood of record in the United States Patent Office in the name of Fides Gesellschaft fur die Verwaltung und Verwertung von Gewer-

blichen;

4. Finding that patent number 2,242,042 was vested by the Allen Property Custodian elsewhere in said Vesting Order No. 13;

5. Having thereafter received an executed claim by or on behalf of Paul E. Hawkinson Company, a corporation of Minnesota, having its principal place of business at Minneapolis, Minnesota, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Paul E. Hawkinson to claimant was dated February 23, 1940, and was recorded in the United States Patent Office on February 26, 1940, at Liber R182. Page 157:

1940, at Liber R182, Page 157;
6. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that cald property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

7. Determining upon the basis of the facts at present known to the Allen Property Custodian that claimant is not a national of a designated enemy country;

8. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact:

9. Having received no other claim or notice of claim on Form APC-1 or otherwise to the cald patent or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country:

country;
10. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;
11. Determining that the error committed

11. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filling of any further claim, nor any further hearing:

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property he assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on

September 20, 1943.

[SEAL]

Leo T. Crowley,
Alien Property Custodian.

[F. R. Dec. 43-16637; Filed, October 12, 1943; 10:59 a. m.]

[Divesting Order 21]

PATERT OF REMIRIGION RAND, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on June 4, 1942, vested, by Vesting Order No. 16, as property of a National or Nationals of a Foreign Country or Countries designated in Executive Order No. 8339, as amended, as defined therein, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,229,980, 1-28-41, W. Landsiedel, Computing Machine.

2. Having determined, before issuing said Vesting Order No. 16, that the said property was property of Telefunken Gesellschaft fur Drahticse Telegraphie m. b. H. and that Telefunken Gesellschaft fur Drahticse Telegraphie m. b. H. was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

tional of a foreign country (Germany);
3. Having intended by said Vesting Order
No. 16 to vest patent number 2,223,930, which
stood of record in the United States Patent
Office in the name of Telefunken Gesellschaft

fur Drahtlese Telegraphie m. b. H;

4. Finding that patent number 2,223,930 was vested by the Allen Property Custodian elsewhere in said Vesting Order No. 16;

5. Having thereafter received an executed claim by or on behalf of Remington Rand Inc., a corporation of Delaware, having its principal place of business at Buffalo, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an in-strument of assignment from W. Landsiedel to claimant was dated April 3, 1936, and was recorded in the United States Patent Office on April 6, 1936 at Liber J166, Page 71;

6. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized-under the laws of one of the United States and having its principal place of business in the United States;

7. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a

designated enemy country;
8. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact:

9. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any na-tional of any foreign country;

10. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest

in any person whomsoever;
11. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 20, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-16638; Filed, October 12, 1943; 10:59 a. m.]

[Divesting Order 22]

PATENT APPLICATION OF DEWEY AND ALMY CHEMICAL COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law the undersigned:

1. Having, on November 2, 1942, vested, by Vesting Order No. 293, as property in which a national or nationals of a foreign country (France) had interests, the property identified as follows:

Patent application identified as follows: Serial Number, Filing Date, Inventor, and Title

297,764, 10-3-39, H. DePoix, Process for Preserving Perishable Foodstuffs.

2. Having determined, before issuing said Vesting Order No. 293, that the said property was property of H. De Poix and that H. De Poix was a resident of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of Dewey and Almy Chemical Company, a corporation of Massa-chusetts, having its principal place of busi-ness at Cambridge, Massachusetts, herein-after called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from H. De Poix to claimant was dated November 29, 1939, and was recorded in the United States Patent Office on January 26, 1942, at Liber M190, Page 12;
4. Finding, as a result of further investi-

gation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of busi-

ness in the United States;
5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact:

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country:

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 20, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-16639; Filed, October 12, 1943; 10:59 a. m.]

[Divesting Order 23]

PATENT OF BRONISLAW GOLDMAN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 18, 1943, vested, by Vesting Order No. 673, as property of Bronis-law Goldman, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,115,809, 5-3-38, B. Goldman, Means for Automatically Moving a Rotating Blade in Axial Direction.

2. Having found in said Vesting Order No. 673 that Bronislaw Goldman was a resident of Poland and was a national of a foreign country (Poland);

3. Having thereafter received an executed claim by or on behalf of Bronislaw Goldman, residing at Pittsburgh, Pennsylvania, herein-after called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting. ing owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States:

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;
6. Determining that the aforesaid vesting was effected by the undersigned under mis-

take of fact:

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest

in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and convoying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and Determining that under the aforesaid circumstances the disposition hereinafter

effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 20, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-16640; Filed, October 12, 1943; 11:00 a. m.]

OFFICE OF DEFENSE TRANSPORTA-TION.

[Supplementary Order ODT 3, Revised-80] WENATCHEE-SEATTLE TRANSPORT CO., ET AL. COORDINATED OPERATIONS BETWEEN POINTS IN WASHINGTON

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by I. W. Rash, an individual, doing business as Wenatchee-Seattle Transport Co. of Seattle, Washington, Fruit Delivery Company, a corporation, of Seattle, Washington, W. A. Slater, an individual, doing business as Northwest Film Service, of Seattle, Washington, Consolidated Freightways, Inc., a corporation, of Portland, Oregon, and Lloyd E. Eckert, an individual, doing business as Eckert Freight Lines, of Seattle, Washington, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, a copy of which plan is attached hereto as Appendix 1, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successfull prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs. setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to after its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such-plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-80," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 16, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of October 1943.

JOSEPH B. EASTMAN, Director, Office of Defense Transportation. IF. R. Doc. 43-16641; Filed, October 12, 1943; 11:18 a.m.]

OFFICE OF PRICE ADMINISTRATION.

Regional And District Office Orders. [Region I Order G-13 Under Rev. MPR 122] SPECIFIED SOLID FUELS IN LYNN-SALEM. MASS. AREA

Order No. G-13 under Revised Maximum Price Regulation No. 122-Solid fuels sold and delivered by dealers.

For the reasons let forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, It is hereby ordered:

(a) Maximum prices established by this order: The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Lynn-Salem Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G-13 is explained in paragraph (f), and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this order G-13. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-13 provides uniform allowances discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit noncompliance with any statutes of the Commonwealth of Massachusetts or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) Price Schedule I: Sales on a delivered basis. (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Lynn-Salem Area, except prices for coke, the maximum prices for which are set forth in paragraph (d).

Kind and size	Per nit ton	Pcr ½ ton	Per ¼ ton	Per 100 Ibs.
Pennsylvenis Anthresite (Creept ess, store, and chectaut sizes of Jeddo Highland and Hed Ach): Breken, ess, store, chestaut Pen Buckwheat Rico Yard creenings Jeddo Highlandess, ctore, and chectaut Red Ath: Ess Store Rut Anthreal Connel Cool.	\$15.80 14.00 12.45 11.45 6.50 16.20 16.80 17.05 16.450 24.00	\$3.63 7.75 7.60 6.50 8.60 9.15 9.63 9.63 9.63 9.63	\$4.70 4.23 3.83 3.60 4.85 5.60 4.95 5.75	\$1.00 .90 .73 1.00 1.03 1.05 1.05 1.05

⁽²⁾ Terms of sale. If payment is made by the buyer within 10 days after re-Specified solid fuels—Lynn-Salem Area. ceipt of the fuel the maximum prices set

¹⁷ F.R. 5445, 6689, 7694;_8 F.R. 4660.

² Filed as part of the original document.

forth above shall be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 15 cents per quarter-ton, which reductions are "cash discounts". No further discount is required for cash on delivery and no "cash discount" is required on sales of less than a quarterton. If payment is not required or made at the time of delivery of (except in the case of less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(3) Maximum authorized service and deposit charges. (a) If the buyer requests such service of him, the dealer may make the following charges for carry or wheel service:

	Per net ton	Per ½ ton	Per ¾ ton
For any carry or wheeling from a "direct delivery" point to consumer's bin or storage space (exclusive of charges for carriers up or down flights of stairs), for each 50 feet or fraction thereof. For any carry up or down flights of stairs, per flight	Cents 50	Cents 25 25	Cents 15 15

(b). The maximum prices per 100 pounds include carrying or wheeling in bags from dealer's truck to point of storage except when the fuel must be carried up or down flights of stairs. For any carry either up or down flights of stairs, the maximum charge shall be 10 cents per flight.

(c) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amounts which may be required by the dealer as a deposit on, or as predetermined liquidated damages for fail-

ure to return, the bags shall be 25 cents per bag.

(c) Price Schedule II: "Yard sales". (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Lynn-Salem Area to consumers and to dealers in fuels who resell them, except prices for coke, the maximum prices for which are set forth in paragraph (d).

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania Anthracite (except Egg, Stove and Chestnut sizes of Jeddo Highland and Red Ash): Broken, Egg, Stove, Chestnut Pea Buckwheat Yard Screenings Jeddo Highland, Egg, Stove and Chestnut Rica Ash: Egg Stove and Chestnut Adhrical Cannet Coal	\$14, 30 12, 50 10, 95 9, 95 4, 00 14, 80 15, 30 15, 55 15, 05 13, 00 22, 50	\$7, 50 6, 50, 5, 75 5, 25 7, 75 8, 00 8, 00 7, 75 6, 75 11, 50	\$3.75 3.25 2.90 2.65 3.90 4.00 4.00 3.90 5.75	\$0.80 .70 .65 .55 .80 .80 .80 .70

(2) Terms of sale. Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) Maximum authorized bagging and deposit charges. (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cen	nt
Per :	ton	5
Per	half-ton	2
Per	quarter-ton	1

-(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) Maximum prices for coke—(1) Price Schedule III: Maximum prices for sales of coke delivered into consumers' bins at any point in the Lynn-Salem

Area:

Size	Per ton		Per ½ ton		Per I ton	
	C. O. D.	Charge	C.O.D.	Chargo	C.O.D.	Charge
Chestnut, egg, stove, and furnace	\$14. 25 12. 05 6,50	\$14.75 12.55 6.50	\$7.00 6.80	\$8, 15 7, 05	\$4, 20 3, 65	\$4,33 %,80

Terms of sale for charge sales shall be net 30 days.

(2) Price Schedule IV: Maximum prices for "yard sales" of coke at the yard of any dealer in the Lynn-Salem Area. (a) Maximum prices for "yard sales" to dealers in fuel who resell it:

Size: Price per net ton Chestnut, Egg, Stove & Furnace___ \$12.65 Pea_____ 10.95

Less \$1.00 per ton if payment is made by the buyer within 10 days after receipt of the fuel; net 30 days.

(b) The maximum price for "yard sales" of Nut, Egg, Stove and Furnace sizes to consumers shall be \$13.75. Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(e) Transportation tax. Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: Provided, however, That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) Geographical applicability. The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Lynn-Salem Area, regardless of the ultimate destination of the fuel. The maximum prices established by this Order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Lynn-Salem Area, regardless of whether the dealer is located within said area.

(g) Definitions. When used in Order

G-13, the term:
(1) "Lynn-Salem Area" shall include the following cities and towns in the Commonwealth of Massachusetts: Beverly, Danvers, Essex, Hamilton, Ipswich, Lynn, Lynnfield, Manchester, Marblehead, Middleton, Peabody, Rowley, Salem, Saugus, Swampscott, Topsfield and Wenham.

(2) "Specified solid fuels" shall include all Pennsylvania Anthracite (including Jeddo Highland and Red Ash), Ambricoal, Coke and Cannel Coal.

(3) "Pennsylvania Anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Common-

wealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut" and "pea" sizes of Pennsylvania
Anthracite refer to the legal standard sizes for anthracite offered for sale in the Commonwealth of Massachusetts, effective December 1, 1941, as established by the Director of Standards of the Division of Standards of the Department of Labor and Industries of the Commonwealth of Massachusetts pursuant to General Laws (Ter. Ed.) Chapter 94, section 239A (Chapter 382, Acts of 1926). "Buckwheat" and "rice" sizes of Pennsylvania Anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Jeddo Highland" is that Pennsylvania Anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania and marketed by said company under the trade names "Jeddo Coal," "Highland Coal",

names "Jeddo Coal," "Highland Coal", or "Hazle Brook Coal."

(6) "Red Ash" is that Pennsylvania Anthracite which is mined in the Lykens are in Schwilli County in Manager. seam in Schuylkill County in the Com-

monwealth of Pennsylvania.

(7) "Ambricoal" means Anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette

plant.
(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at tho point nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary

manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) Lower prices permitted. Lower prices than those set forth herein may be

charged, paid or offered.

(i) Posting of maximum prices; sales slips and receipts. (1) Every dealer subject to this Order No. G-13 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order No. G-13 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Re-vised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-13 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and amount charged therefor. This paragraph (b) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on

such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as

made by him.

(j) Petitions for amendment. Any person seeking an amendment of any provision of the order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(k) This order may be revoked, amended or corrected at any time.

This order No. G-13 shall become effective October 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of October 1943.

K. B. BACKMAN,

Regional Administrator.

[F. R. Doc. 43-16603; Filed, October 11, 1943; 3:47 p. m.]

[Dallas Order G-1 Under MPR 426]

LETTUCE IN DALLAS DISTRICT

Order No. G-1 under Maximum Price Regulation No. 426, as amended. Maximum prices for lettuce.

For the reason set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator for Region V of the office of Price Administration, and by him delegated on the 13th day of July, 1943 to the District Director of the Dallas District Office, by virtue of section 2 (b) of Maximum Price Regulation No. 426, as amended; It is hereby ordered:

Section 1. The maximum price for less than carlot or less than trucklot sales to any person, except to an ultimate consumer, of Iceberg Lettuce in L. A. Crates containing from four to six dozen heads with a minimum net weight of sixty pounds, shall be the maximum price for carlot or trucklot sales at any wholesale receiving point plus ninety cents.

Sec. 2. Definitions. The terms herein used shall be the same in meaning as like terms used in Maximum Price Regulation No. 426, as amended, and defined therein.

Sec. 3. This order is subject to revocation or-amendment by the District Director at any time hereafter.

SEC. 4. This order applies to all counties in the Dallas District.

Sec. 5. Effective Date. This order is effective on the 23d day of September 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250; 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681; Gen. Order 51, 8 F.R. 6008)

Issued this 23d day of September 1943.

F. T. PATILLO,
Acting District Director,
Dallas District.

[F. R. Doc. 43-16616; Filed, October 8, 1943; 12;42 p. m.]

[Region I Order G-10 Under Rev. MPR 122, Amdt. 1]

BITUMINOUS COAL IN NEW ENGLAND

Amendment No. 1 to Order No. G-10 under Revised Maximum Price Regulation No. 122—Solid fuels sold and delivered by dealers. Bituminous coal sold to domestic consumers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, the first unnumbered paragraph of paragraph (a) of Order No. G-10 under Revised Maximum Price Regulation No. 122 is hereby amended to read as follows:

(a) In Region I, consisting of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut, the maximum prices established by § 1340.254 of Revised Maximum Price Regulation No. 122 for prepared bituminous coal sold or delivered to domestic consumers and to dealers in fuel for resale to domestic consumers are modified, so that the maximum prices therefor shall be determined in the following manner:

This Amendment No. 1 to Order No. G-10 shall become effective October 16, 1943

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of October, 1943.

K. B. BACKMAN, Regional Administrator.

[F. R. Doc. 43-16604; Filed, October 11, 1943; 3:47 p. m.]

WAR PRODUCTION BOARD.

[Certificate 150]

FOREIGN PETROLEUM OPERATIONS

APPROVAL OF P.A.W. DIRECTIVE

The ATTORNEY GENERAL:

I submit herewith Petroleum Directive 70 of the Petroleum Administration for War.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the directive; and after consultation with you I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Directive 70 is requisite to the prosecution of the war.

CHARLES E. WILSON, Acting Chairman.

OCTOBER 7, 1943.

[F. R. Doc. 43-16647; Filed, October 12, 1943; 11:44 a. m.]

[Certificate 151]

WAR EMERGENCY TANKERS, INC.

APPROVAL OF AGREEMENT

The Attorney General:

I submit herewith letters dated September 24, 1943, and October 4, 1943,

² Supra.

from the Administrator of the War Shipping Administration, together with certain schedules therein referred to, concerning a proposal whereby tankers owned by the United States would be operated for the account of the United States by War Emergency Tankers, Inc., a corporation organized at the request of the Administrator by The Texas Company, Standard Oil Company of New Jersey, Socony-Vacuum Oil Company, Sun Oil Company, Atlantic Refining Company, Sinclair Refining Company, Pan American Petroleum & Transport Company, and Tide Water Associated Oil Company. The proposal includes an agreement between the United States, acting by and through the Administrator of the War Shipping Administration, and War Emergency Tankers, Inc., covering the conduct of the business of tankers by the corporation as a General Agent for the United States, and further agreements between War Emergency Tankers, Inc., and its stockholders covering the operation of the vessels by the stockholders as Principal Sub-Agents.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the proposal; and after consultation with you I hereby find and so certify to you that the doing of any act or thing or the omission to do any act or thing, by any person in compliance with such proposal and the agreements above referred to is requisite to the prosecution of the war.

CHARLES E. WILSON, Acting Chairman.

OCTOBER 7, 1943.

[F. R. Doc. 43-16648; Filed, October 12, 1943; 11:44 a. m.]

ANHEUSER-BUSCH, INC.

CANCELLATION OF REVOCATION ORDER

Builder: Anheuser-Busch, Incorporated, St. Louis, Missouri.

Project: Installation of additional equipment to produce dry corn starch.

The revocation of Preference Rating issued on September 1, 1943, Serial No. 6439 is hereby cancelled; the preference ratings previously assigned are hereby

restored; and said preference ratings shall have full force and effect.
Issued October 12, 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAM, Recording Secretary.

[F. R. Doc. 43-16551; Filed, October 12, 1943; 11:46 a. m.]

ATHOL-ORANGE, MASS. AIRPORT DEVELOP-MENT PROJECT

CANCELLATION OF REVOCATION ORDER

Builder: U. S. Dept. of Commerce, Civil Aeronautics Authority, Washington, D. C. Project: Airport Development, Athol-Orange, Massachusetts.

The revocation of preference rating issued on January 15, 1943 is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued October 12, 1943.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 43-16650; Filed, October 12, 1943; 11:46 a. m.]

¹ Filed as part of the original document.